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THE  
**COMMON SCHOOL ACTS**

OF  
**UPPER CANADA;**

AND THE  
**FORMS, INSTRUCTIONS, AND REGULATIONS FOR  
EXECUTING THEIR PROVISIONS;**

TOGETHER WITH THE  
**CIRCULARS ADDRESSED TO THE VARIOUS OFFICERS CONCERNED IN  
THE ADMINISTRATION OF THE SCHOOL LAW:**

BY THE  
**Chief Superintendent of Schools.**



**TORONTO:**

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**SECOND EDITION.**

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**EDUCATION OFFICE,  
 Toronto, July, 1853.**



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ANNO DECIMO TERTIO ET DECIMO QUARTO  
VICTORIÆ REGINÆ.

CAP. XLVIII.

An Act for the better Establishment and Maintenance of  
Common Schools in Upper Canada.

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[24th July, 1850.]

**W**HEREAS it is expedient to make provision for  
the better establishment and maintenance of Com-  
mon Schools in the several Villages, Towns, Cities, Townships and  
Counties of Upper Canada : Be it therefore enacted, by the Queen's  
Most Excellent Majesty, by and with the advice and consent of the  
Legislative Council and of the Legislative Assembly of the Province

Preamble.

of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada.* And it is hereby enacted by the authority

Two Acts repealed: Proviso.

of the same, that the Act of the Parliament of this Province, passed in the seventh year of Her Majesty's reign, intituled "An Act for the better Establishment and Maintenance of Common Schools in Upper Canada," and also the Act passed in the twelfth year of Her Majesty's reign, ch. 83, and intituled "An Act for the better Establishment and Maintenance of Public Schools in Upper Canada, and for repealing the present School Act," shall be, and the same are hereby repealed: Provided always, nevertheless, firstly, that no Act or part of an Act repealed by either of the Acts hereby repealed, shall be revived by the passing of this Act: And provided also, secondly, that the repeal of the said Acts shall not extend or be construed to extend to any act done, any penalty incurred, or any proceeding had under the said Acts, or either of them:

All school divisions, elections, appointments, contracts, &c., confirmed.

And provided also, thirdly, that all School Sections or other School divisions, together with all elections and appointments to office, all agreements, contracts, assessments, and rate-bills, made under the authority of the said Acts, or of any preceding Act, and not annulled by the said Acts or by this Act, or by any of them, shall be valid and in full force and binding upon all parties concerned, as if made under the authority of this Act, and shall so continue until altered, modified, or superseded, according to the provisions of this Act: And provided also, fourthly, that nothing herein contained shall affect the liability of any District, County, City, Town, or Township Superintendent of Common Schools, to the Municipal Corporation to which he would otherwise be responsible for the same, for any moneys received by him under either of the said Acts; but the liabilities of every such Superintendent for such moneys shall be and remain as if this Act had not been passed: And provided also, fifthly, that nothing in the said Act secondly above recited, contained, shall extend, or be construed to extend, to have repealed any Act of the Parliament of this Province, whereby provision was made for the appropriation of money from the consolidated revenue fund of this Province, for or towards the establishment and maintenance of Common Schools in this Province, or in any part thereof.

## I. ELECTION AND DUTIES OF SCHOOL TRUSTEES.

II. And be it enacted, That the annual meetings for the elections of School Trustees, as hereinafter provided by this Act, shall be held in all the Villages, Towns, Cities, and Townships of Upper Canada, on the second Wednesday in January, in each year, commencing at the hour of Ten of the clock in the forenoon.

Annual School meetings to be held throughout U. C., on the second Wednesday in January at 10 o'clock, A. M.

III. And be it enacted, That in all School divisions (except in Cities, Towns, and Incorporated Villages) which have been established according to law, and which have been called "School Sections," and in which there shall be three Trustees in office at the time this Act shall come into force, one Trustee shall be elected to office at each ensuing annual school meeting, in place of the one who shall have been three years in office : Provided always, that the same individual, if willing, may be re-elected : And provided also, that no School Trustee shall be re-elected, except by his own consent, during the four years next after his going out of office.

One Trustee in each School Section to be elected at each annual School meeting.

Proviso: Same individual may be re-elected, but not without his consent for four years.

IV. And be it enacted, That whenever any school section shall be formed in any Township, as provided in the eighteenth section of this Act, the Clerk of the Township shall communicate to the person appointed to call the first school meeting for the election of Trustees, the description and number of such school section ; and such person shall, within twenty days thereafter, prepare a notice in writing, describing such section, and appointing a time and place for the first school section meeting, and shall cause copies of such notice to be posted in at least three public places in such school section, at least six days before the time of holding such meeting.

Mode of calling the first School meeting in a new School section.

V. And be it enacted, That at every such first school section meeting, the majority of the freeholders or householders of such school section present, shall elect one of their own number to preside over the proceedings of such meeting, and shall also appoint a Secretary, whose duty it shall be to record all

Mode of proceeding at the first meeting in a new School section.

Election of Chairman and Secretary.  
Duty of the Secretary.

**Duty of the  
Chairman.**

the proceedings of such meeting ; and the Chairman of such meeting shall decide all questions of order, subject to an appeal to the meeting, and shall give the casting vote in case of an equality of votes, and shall have no vote except as Chairman, and shall take the votes in such manner as shall be desired by the majority of the electors present, and shall, at the request of any two electors, grant a poll for recording the names of the voters by the Secretary : and it shall be the duty of the electors present at

A poll to be granted at the request of any two electors.

**Three Trustees  
to be elected.**

**Order of retiring  
from office.**

such meeting, or a majority of them, to elect from the freeholders or householders in such section, three Trustees, who shall respectively continue in office as follows :— the last person elected shall continue in office until the next ensuing annual school meeting in such section, and until his successor is elected ; the second person elected, one year, and the first person elected, two years, from such next ensuing annual school meeting, and until their successors are elected

Proviso: copy of proceedings to be transmitted to the Local Superintendent of Schools.

respectively : Provided always, that a correct copy of the proceedings of such first school section meeting, and of every annual school section meeting, signed by the Chairman and Secretary, shall be forthwith transmitted by the Secretary to the Local Superintendent of Schools.

**Proceedings and  
duties of annual  
School section  
meetings.**

VI. And be it enacted, That at every annual school section meeting in any Township, as authorized and required to be held by the second section of this Act, it shall be the duty of the freeholders or householders of such section, present at such meeting, or a majority of them,—

**Election and duties of Chairman  
and Secretary.**

*Firstly.* To elect a Chairman and Secretary, who shall perform the duties required of the Chairman and Secretary, by the fifth section of this Act.

**To receive and  
decide upon the  
annual financial  
report of the  
Trustees.**

*Secondly.* To receive and decide upon the report of the Trustees, as authorized and provided for by the eighteenth clause of the twelfth section of this Act.

**To elect one or  
more Trustees.**

*Thirdly.* To elect one or more persons as Trustee or Trustees, to fill up the vacancy or vacancies in

the Trustee Corporation, according to law : Provided always, that no Teacher in such section shall hold the office of School Trustee.

*Fourthly.* To decide upon the manner in which the salary of the Teacher or Teachers, and all the expenses connected with the operations of the School or Schools, shall be provided for.

To decide upon the manner of providing for the expenses of the School.

VII. And be it enacted, That if any person offering to vote at an annual or other school section meeting, shall be challenged as unqualified by any legal voter in such section, the Chairman presiding at such meeting shall require the person so offering, to make the following declaration :—  
 “I do declare and affirm that I am a freeholder [or  
 “householder] in this school section, and that I am legally qualified  
 “to vote at this meeting.” And every person making such declaration, shall be permitted to vote on all questions proposed at such meeting ; but if any person shall refuse to make such declaration, his vote shall be rejected : Provided always, that every person who shall wilfully make a false declaration of his right to vote, shall be deemed guilty of a misdemeanor, and punishable by fine or imprisonment, at the discretion of any Court of Quarter Sessions, or by a penalty of not less than one pound five shillings, or more than two pounds ten shillings, to be sued for and recovered, with costs, by the Trustees of the school section, for its use, before any Justice of the Peace, having jurisdiction within such school section.

Mode of challenging voters at School meetings.

Declaration required.

Proviso: Penalty for making a false declaration and for voting illegally.

Mode of recovering such penalty and its application.

VIII. And be it enacted, That if any person chosen as Trustee, shall refuse to serve, he shall forfeit the sum of one pound five shillings ; and every person so chosen and not having refused to accept, who shall at any time refuse or neglect to perform the duties of his office, shall forfeit the sum of five pounds; which sum or sums may be sued for and recovered by the Trustees of the school section, for its use, before any such Justice of the Peace : Provided always, that any person chosen as Trustee may resign with the consent of his colleagues in office and of the Local Superintendent, expressed in writing.

Penalty for refusing to serve as School Trustee.

Proviso: Mode and conditions of resigning the office of Trustee.

Penalty for not giving due notice of annual school meeting.

duty it was to

Mode of recovering and applying such penalty.

Mode of calling a school meeting in default of the annual meeting not being called.

Duties and powers of such meeting.

Trustees to be a Corporation.

Proviso: Such Corporation not to cease for want of Trustee

Mode of electing new Trustees, if necessary.

Mode of deciding on the site of a school-house,

IX, And be it enacted, That in case no annual or other school section meeting be held for want of the proper notice, the Trustees or other person whose duty it was to give such notice, shall respectively and individually forfeit the sum of one pound five shillings, to be sued for and recovered for the purposes of such school section, on the complaint of any resident in such section, before any such Justice of the Peace: Provided always, that in the default of the holding of any school section meeting, as hereinbefore authorized by this Act, for want of the proper notice, then any two freeholders or householders in such section, are hereby authorized, within twenty days after the time at which such meeting should have been held, to call such meeting by giving six days' notice, to be posted in at least three public places in such school section; and the meeting thus called shall possess all the power, and perform all the duties of the meeting, in the place of which it shall have been called.

X. And be it enacted, That the Trustees in each school section shall be a Corporation, under the name of "*The Trustees of School Section, Number —, in the Township of —, in the County of —*;" Provided always, that no such Corporation of any school section shall cease by reason of the want of Trustees, but in case of such want, any two freeholders or householders of such section shall have authority, by giving six days' notice, to be posted in at least three public places in such section, to call a meeting of the freeholders or householders, who shall proceed to elect three Trustees, in the manner prescribed in the fifth section of this Act, and the Trustees thus elected shall hold and retire from office in the manner prescribed for Trustees elected under the authority of the said fifth section of this Act.

XI, And be it enacted, That in any case of difference as to the site of a school-house between the majority of the Trustees of a school section and a majority of the freeholders or householders, at a special meeting called for that purpose, each party shall choose one person as arbitrator, and the two arbitrators thus chosen, and the local Superintendent, or any person



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appointed by him to act on his behalf, in case of his inability to attend, or a majority of them, shall finally decide on the matter.

XII. And be it enacted, That it shall be the duty of the Trustees of each school section :

*Firstly.* To appoint one of themselves, or some other person, to be Secretary-treasurer to the Corporation ; and it shall be the duty of such Secretary-treasurer to give such security for the correct and safe keeping and forthcoming (when called for) of the papers and moneys belonging to the Corporation, as may be required by a majority of the Trustees ; to keep a record of all their proceedings, in a book procured for that purpose ; to receive and account for all school moneys collected by rate-bill, subscription, or otherwise, from the inhabitants of such school section ; to disburse such moneys in such manner as may be directed by the majority of the Trustees.

To appoint a Secretary-treasurer: his duties.

*Secondly.* To appoint, if they shall think it expedient, a Collector (who may also be Secretary-treasurer), to collect the rates they have imposed, or shall impose upon the inhabitants of their school section, or which the said inhabitants may have subscribed ; and to pay to such Collector, at the rate of not less than five or more than ten per cent., on the moneys collected by him for his trouble in collecting ; and every Collector shall give such security as may be satisfactory to the Trustees, and shall have the same powers, by virtue of a warrant, signed by a majority of the Trustees, in collecting the school-rate or subscription, and shall proceed in the same manner as ordinary Collectors of County and Township rates or assessments.

To appoint a Collector: his duties.

His remuneration.

Collector to give security.

Collector's powers.

*Thirdly.* To take possession and have the custody and safe keeping of all Common School property, which may have been acquired or given for Common School purposes in such section, and to acquire and hold as a Corporation, by any title whatsoever, any land, moveable property, moneys or income for Common School purposes, until the power hereby given shall be taken away or modified, according to law, and to apply the same according to the terms of acquiring or receiving them.

Trustees to have the possession and safe keeping of all the Common School property in their section.



Providing school premises.

School apparatus and books.

To employ Teachers.

To establish a female school.

To give orders to Teachers for school moneys, but to none but qualified Teachers.

To provide for the salaries of Teachers and the expenses of the School, in the manner desired by a majority of school electors, at a special meeting.

How to provide for deficiencies.

To make out a rate-bill list and warrant for the Collector.

*Fourthly.* To do whatever they may judge expedient with regard to the building, repairing, renting, warming, furnishing and keeping in order a school-house, and its appendages, wood-house, privies, enclosures, lands, and moveable property, which shall be held by them, and for procuring apparatus and text-books for their School; also, to rent, repair, furnish, warm, and keep in order a school-house, and its appendages, if there be no suitable school-house belonging to such section, or if a second school-house be required.

*Fifthly.* To contract with and employ all Teachers for such school section, and determine the amount of their salaries; and to establish, if they shall deem it expedient, by and with the consent of the local Superintendent of Schools, both a female and male school in such section, each of which shall be subject to the same regulations and obligations as common schools generally.

*Sixthly.* To give the Teacher or Teachers employed by them, the necessary order or orders upon the Local Superintendent for the School Fund apportioned and payable to their school section: Provided always, that the Trustees of any school section shall not give such order in behalf of any Teacher who does not, at the time of giving such order, hold a legal certificate of qualification.

*Seventhly.* To provide for the salaries of Teachers and all other expenses of the School, in such manner as may be desired by a majority of the freeholders or householders of such section, at the annual school meeting, or a special meeting called for that purpose, and to employ all lawful means, as provided for by this Act, to collect the sum or sums required for such salaries and other expenses; and should the sums thus provided be insufficient to defray all the expenses of such School, the Trustees shall have authority to assess and cause to be collected any additional rate, in order to pay the balance of the Teacher's salary, and other expenses of such School.

*Eighthly.* To make out a list of the names of all persons rated by them for the School purposes of such section, and the amount payable by each, and

to annex to such list a Warrant, directed to the Collector of the school section, for the collection of the several sums mentioned in such list : Provided always, that any school-rate imposed by Trustees, according to this Act, may be made payable monthly, quarterly, half-yearly, or yearly, as they may think expedient.

**Proviso :** Such rate-bill to be payable monthly, quarterly, half-yearly, or yearly.

*Ninthly.* To apply to the Municipality of the Township, or employ their own lawful authority, as they may judge expedient, for the raising and collecting of all sums authorized in the manner hereinbefore provided, to be collected from the freeholders and householders of such section, by rate, according to the valuation of taxable property, as expressed in the Assessor or Collector's Roll ; and the Township Clerk or other officer having possession of such roll, is hereby required to allow any one of the Trustees, or their authorized Collector, to make a copy of such roll, as far as it shall relate to their school section.

To apply to the Township Council at their discretion for the raising of school moneys.

**Duty of Township Clerk or other officer in certain cases.**

*Tenthly.* To exempt wholly or in part, from the payment of school rates, such indigent persons as they shall think proper, and the amount of the same shall be a charge upon the other rateable inhabitants of the school section, and shall not be deducted from the salary of a Teacher.

To exempt indigent persons.

*Eleventhly.* To sue for and recover by their name of office, the amounts of school rates or subscriptions due from persons residing without the limits of their school section, and making default of payment.

**Teacher's salary not to be lessened thereby.**

To sue defaulters residing out of the school section.

*Twelfthly.* To appoint the place of each annual school meeting, and to cause notices to be posted in at least three public places of such section, at least six days before the time of holding such meeting ; to call and give like notice of any special meeting of the freeholders or householders of such section, for the filling up of any vacancy in the Trustee Corporation, occasioned by death, removal, or any other cause whatever, or for the selection of a new school site, or for any other school purpose, as they may think proper ; to specify the object or objects of such meeting ; which meeting shall be organized, and its proceed-

To notify and fix the place of the annual school meeting.

To call special meetings.

**Mode of conducting special meetings.**

ings recorded in the same manner, as those of an annual school meeting ; and a copy of them, in like manner, shall be transmitted to the Local Superintendent : Provided always, that in case of a vacancy in the office of any of the Trustees, during the period for which they shall have been respectively elected, the person or persons chosen to fill such vacancy, shall hold office only for the unexpired term.

Copy of the proceedings to be sent to the local Superintendent of schools.

Continuance in office of persons elected to fill vacancies.

To admit persons from 5 to 21 years of age to attend the school, on certain conditions

so long as the

Exception in certain cases.

whose behalf a separate school shall have been established, according to the nineteenth section of this act.

To visit the school &c.

regulations authorized by law.

To prohibit improper, and provide proper books for the school.

and recommended according to law ; and to procure, annually, for the benefit of their school section, some periodical devoted to education.

To be personally responsible in the case of refusing or neglecting to exercise corporate powers for the fulfilment of contracts

personally responsible

To appoint a Librarian, and provide for the establishment and support of a school library.

library, whenever provision shall have been made and carried into effect for the establishment of school libraries.

*Thirteenthly.* To permit all residents in such section between the ages of five and twenty-one years of age, to attend the school, so long as their conduct shall be agreeable to the rules of such school, and fees or rates required to be paid on their behalf, are duly discharged : Provided always, that this requirement shall not extend to the children of persons in

*Fourteenthly.* To visit the school from time to time, and see that it is conducted according to the

*Fifteenthly.* To see that no authorized books are used in the school, but that the pupils are duly supplied with an uniform series of text books, sanctioned and recommended according to law ; and to procure, annually, for the benefit of their school section, some periodical devoted to

*Sixteenthly.* To exercise all the corporate powers vested in them by this Act, for the fulfilment of any contract or agreement made by them ; and in case any of the Trustees shall wilfully neglect or refuse to exercise such powers, he or they shall be personally responsible for the fulfilment of such contract or agreement.

*Seventeenthly.* To appoint a Librarian, and to take such steps as they may judge expedient, and as may be authorized according to law, for the establishment, safe-keeping, and proper management of a school

**Eighteenthly.** To ascertain the number of children between the ages of five and sixteen years residing in their section on the thirty-first day of December in each year; and to cause to be prepared and read at the annual meeting of their section, their annual school report for the year then terminating, which report shall include, among other things prescribed by law, a full and detailed account of the receipts and expenditures of all school moneys received and expended in behalf of such section, for any purpose whatsoever, during such year; and if such account shall not be satisfactory to a majority of the freeholders or householders present at such meeting, then a majority of the said freeholders or householders shall appoint one person, and the Trustees shall appoint another; and the two arbitrators thus appointed shall examine the said account, and their decision respecting it shall be final: or, if the two arbitrators thus appointed shall not be able to agree, they shall select a third, and the decision of the majority of the arbitrators so chosen shall be final; and such arbitrators, or a majority of them, shall have authority to collect, or cause to be collected, whatever sum or sums may be awarded against any person or persons by them, in the same manner and under the same regulations as those according to which Trustees are authorized by the twelfth section of this Act to collect school rates; and the sum or sums thus collected shall be expended in the same manner as are other moneys for the Common School purposes of such section.

To ascertain the number of resident children of school age.

To read the school report at the annual school meeting.

Proceeding in case the financial account is not satisfactory to the majority of the meeting.

**Nineteenthly.** To prepare and transmit, or cause to be prepared and transmitted annually, before the fifteenth day of January, a report to the Local Superintendent; which report shall be signed by the majority of the Trustees, and made according to a form provided by the Chief Superintendent of Schools, and shall specify:

To prepare and transmit, before the 15th January, the annual school report to the local Superintendent of Schools.

1st.—The whole time the school in their section shall have been kept by a qualified Teacher during the year ending the thirty-first day of the previous December.

Contents of such report:  
Time of keeping the school open.

Amount of moneys received, and from what sources, and how expended.

2ndly.—The amount of moneys received from the school fund, from local rates or contributions, and from other sources, distinguishing the same; and

the manner in which all such moneys have been expended.

Number of resident children of School age.

Attendance of pupils in winter and summer.

Average attendance, both winter and summer.

Branches taught, &c., text-books used, public examinations, visits, lectures, &c.

other information respecting the school premises, and library, as may be required in the form of a report provided by the Chief Superintendent of Schools.

Penalty of signing a false report by a Trustee; or of keeping a false register and making false returns by a Teacher.

Foreign books to be used only in certain cases.

in any Model or Common School, without the express permission of the Council of

Parental and religious rights protected.

3rdly. The whole number of children residing in the school section, over the age of five years, and under the age of sixteen; the number of children and young persons taught in the school in winter and summer, distinguishing the sexes, and those who are over and under sixteen years of age; the average attendance of pupils in both winter and summer.

4thly.—The branches of education taught in the school; the number of pupils in each branch; the text-books used; the number of public school examinations, lectures, and visits, and by whom, and such

XIII. And be it enacted, That every Trustee of a Common School who shall knowingly sign a false report, and every Teacher of a Common School who shall keep a false school register, or make a false return, with the view of obtaining a larger sum than the just proportion of school moneys coming to such Common School, shall, for each offence, forfeit to the Common School Fund of the Township, the sum of five pounds, and may be prosecuted before any such Justice of the Peace, by any person whatever, and convicted on the oath of any one credible witness other than the prosecutor, and if convicted, the said penalty shall, if not forthwith paid, be levied with costs, by distress and sale of the goods and chattels of the offender, under warrant of such Justice, and paid over by him to the said Common School Fund, or the said offender shall be liable to be tried and punished for the misdemeanor.

XIV. And be it enacted, That no foreign books in the English branches of education shall be used in any Model or Common School, without the express permission of the Council of Public Instruction; nor shall any pupil in any such School be required to read or study in or from any religious book, or join in any exercise of devotion or religion, which shall be objected to by his

or her parents or guardians : Provided always, that, within this limitation, pupils shall be allowed to receive such religious instruction as their parents and guardians shall desire, according to the general regulations which shall be provided according to law.

## II. COMMON SCHOOL TEACHERS, AND THEIR DUTIES.

XV. And be it enacted, That no Teacher shall be deemed a qualified Teacher within the meaning of this Act, who shall not, at the time of his engaging with the Trustees, and applying for payment from the School Fund, hold a Certificate of qualification, as hereinafter provided by this Act ; Provided always, that Certificates of qualification given by local Superintendents, shall be in force until the first of January, one thousand eight hundred and fifty-one.

A qualified Teacher defined

Proviso :

XVI. And be it enacted, That it shall be the duty of every Teacher of a Common School,—

Duties of Teachers.

*Firstly.* To teach diligently and faithfully all the branches required to be taught in the School, according to the terms of his engagement with the Trustees, and according to the provisions of this Act.

To act according to law and agreement.

*Secondly.* To keep the daily, weekly, and monthly or quarterly registers of the School ; to maintain proper order and discipline therein, according to the forms and regulations which shall be provided according to law ; also to keep a Visitors' book (which the Trustees shall cause to be provided for that purpose,) and he shall enter therein the visits made to his school, and shall present such book to each Visitor, and request him to make such remarks as may have been suggested by such visit.

To keep registers

To maintain discipline.

To keep a Visitors' book, &c.

*Thirdly.* To have, at the end of each quarter, a public examination of his school, of which he shall give due notice, through the pupils, to their parents and guardians, and the Trustees of the school, and of which he shall also give due notice to any School Visitors who shall reside in or adjacent to such school section.

To have quarterly examinations, &c

*Fourthly.* To furnish to the Local or Chief Superintendent of Schools, when desired, any information which it may be in his power to give respecting any

To give information to the Local or Chief Superintendent

thing connected with the operations of his school, or in anywise affecting its interests or character.

To deliver papers, &c.

*Fifthly.* To keep carefully, and at the time of his leaving a school, to deliver up to the order of the Trustees, the registers and Visitors' book, appertaining to the school: Provided always, that he shall, at all times, when desired by them, give Trustees or Visitors access to such registers and Visitors' book.

Proviso.

Protection of teachers in case of dismissal.

Mode of settling any difference in financial matters between Trustees and Teachers.

XVII. And be it enacted, That any Teacher shall be entitled to be paid at the same rate mentioned in his agreement with the Trustees, even at the expiration of the period of his agreement, until the Trustees shall have paid him the whole of his salary, as Teacher of the school, according to their engagement with him: Provided always, that in case of any difference between Trustees and a Teacher in regard to his salary, the sum due to him, or any other matter in dispute between them, it shall be lawful to submit such matter in dispute to arbitration, and each party shall choose one Arbitrator, and in case either party in the first instance shall neglect or refuse to name and appoint an Arbitrator on his behalf, it shall be lawful for the party requiring such arbitration, by a notice in writing to be served upon the party so neglecting or refusing to make such appointment, to require the opposite party within three days, inclusive of the day of the service of such notice, to name and appoint an Arbitrator on his behalf, which notice shall name the Arbitrator of the party serving such notice; and in case the party upon whom such notice is served shall not, within the three days mentioned in such notice, name and appoint such arbitrator, then the party requiring such arbitration shall and may nominate and appoint the second arbitrator, and the two Arbitrators in either way chosen, and the Local Superintendent, or any person chosen by him to act on his behalf, in case he cannot attend, or any two of them, shall have full authority to make an award between them, and such award shall be final: Provided always, that, so often as any such submission shall fall through, it shall be lawful to re-submit the matters in dispute until a final award shall be made between them.

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### III. DUTIES OF TOWNSHIP COUNCILS.

XVIII. And be it enacted, That it shall be the duty of the Municipality of each Township in Upper Canada :

Duties of Township Councils.

*Firstly.* To levy such sum, by assessment, upon the taxable property in any school section, for the purchase of a school-site, the erection, repairs, renting and furnishing of a school-house, the purchase of apparatus and text-books for the school, books for the library, salary of the Teacher, as shall be desired by the Trustees of such school-section, on behalf of the majority of the freeholders or householders at a public meeting called for such purpose or purposes, as provided for by the twelfth section of this Act : Provided always, that such Municipality may, if it shall judge expedient, grant to the Trustees of any school section, on their application, authority to borrow any sum or sums of money which may be necessary for the purposes herein mentioned, in respect to school-sites, school-houses and their appendages, or for the purchase or erection of a Teacher's residence, and cause to be levied upon the taxable property in such section, such sum in each year as shall be necessary for the payment of the interest thereon, and as shall be sufficient to pay off the principal within ten years.

To levy assessments for common school purposes, as desired by trustees.

To authorize a loan, at its discretion, for the purchase and erection of school buildings.

*Secondly.* To levy, at its discretion, such sum or sums as it shall judge expedient for procuring the site and for the erection and support of a Township Model School, and for purchasing books for a Township Library, under such regulations as shall be provided according to law : Provided always, that the members of the Township Municipality shall be the Trustees of such Model School, and shall possess the powers of Common School Trustees in respect to all matters affecting such Model School ; Provided also, that the Trustees of any one or more Common Schools shall have authority, at their discretion, and with the consent of such Council, to merge their school or schools, into such Model School ; and provided likewise, that tuition to student-teachers in such Model School shall be free.

To establish a Township Model School, at its discretion.

Members of the Township Councils to be Trustees of such Model School

One or more Common Schools may be merged into the Model School.



To form new school sections.

*Thirdly.* To form portions of the Township, where no schools have been established, into school sections ; to appoint a person in each new school section to call the first school section meeting ; and to cause such person to be notified in the manner prescribed in the fourth section of this Act.

To alter and unite school sections under certain conditions.

First meeting for the election of Trustees in an united section.

is provided for

Alterations in school sections not to go into effect before the 26th December, after alteration.

All parties concerned to be apprized of intended alterations in school sections.

Privileges of altered sections secured.

Disposal and application of property of altered school sections.

*Fourthly.* To alter any school section already established, and to unite two or more school sections into one, at the request of the majority of the freeholders or householders in each of such sections, expressed at a public meeting called by the Trustees for that purpose : Provided always, that the first election of Trustees in such section, consisting of two or more sections united, shall be appointed and held in the same manner as is provided for in the fourth section of this act in respect to a new school section : Provided secondly, that any alteration in the boundaries of a school section shall not go into effect before the twenty-fifth day of December next after the time when it shall have been made ; nor shall any step be taken towards the alteration of the boundaries of any school section, nor any application be entertained for that purpose, unless it shall clearly appear that all parties affected by such alteration have been duly notified of such intended step or application : Provided thirdly, that the several parts of such united or altered school sections shall have the same claim to a share of the Common School Fund, to which they would have been entitled, had they not been altered or united : and provided fourthly, that any school site, or school-house, or other school property which shall not be required in consequence of such alterations or union of school sections, shall be disposed of, by sale or otherwise, in such a manner as a majority of the freeholders or householders in the altered or united school sections shall think proper, at a public meeting called for that purpose, and the proceeds shall be applied to the erection of a new school-house, or other Common School purposes of such united or altered sections ; except that the inhabitants transferred from one school section to another, shall be entitled, for the Common School purposes of the section to which they are attached, to such a propor-

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tion of the proceeds of the disposal of such school house or other Common School property, as the assessed value of their property bears to that of the other inhabitants of the school section from which they shall have been separated : Provided fifthly, that Union school sections, consisting of parts of two or more Townships, may be formed and altered, (under the conditions prescribed in this clause in respect to alterations of other school sections,) by the Reeves and Local Superintendent or Superintendents of the Townships out of parts of which such sections are proposed to be formed, at a meeting appointed for that purpose by any two of such Town Reeves ; of which meeting the other party or parties authorized to act with them shall be duly notified ; Provided, sixthly, that each union school section composed of portions of adjoining Townships, shall, for all purposes of Trustee elections and control, be deemed one school section, and shall be considered, in respect to superintendence and taxing for the erection of a school house, as belonging to the Township in which the school house may be situated.

Union school sections formed and altered by Town Reeves and local Superintendents.

*Fifthly.* To cause the Clerk of such Township, to furnish the Local Superintendent of Schools with a copy of all the proceedings of such Council relating to the formation or alteration of school sections, all School assessments and other educational matters.

Copies of certain proceedings to be furnished.

XIX. And be it enacted, That it shall be the duty of the Municipal Council of any Township, and of the Board of School Trustees of any City, Town, or incorporated Village, on the application in writing of twelve or more resident heads of families, to authorize the establishment of one or more separate schools for Protestants, Roman Catholics or coloured people, and, in such case, it shall prescribe the limits of the divisions or sections for such schools, and shall make the same provision for the holding of the first meeting for the election of Trustees of each such separate school or schools, as is provided in the fourth section of this Act for holding the first school meeting in a new school section : Provided always, that each such separate school shall go into operation at the same time with alterations in school sections, and shall be under the same regulations in respect to the persons for whom such school is permitted to be established, as are

May establish separate schools for Protestants Roman Catholics and Coloured People.

**Manner of elect-  
ing Trustees in  
such separate  
school sections.**

Common Schools generally : Provided secondly, that none but coloured people shall be allowed to vote for the election of Trustees of the separate school for their children, and none but the parties petitioning for the establishment of, or sending children to a separate Protestant or Roman Catholic school, shall vote at the election of Trustees of such school:

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Provided thirdly, that each such separate Protestant, or Roman Catholic, or coloured school shall be entitled to share in the school fund according to the average attendance of pupils attending each such separate school, (the mean attendance of pupils for both summer and winter being taken,) as compared with the whole average attendance of pupils attending the Common Schools in such City, Town, Village or Township: Provided fourthly, that no Protestant separate school shall be allowed in any school division except when the Teacher of the Common School is a Roman Catholic, nor shall any Roman Catholic separate school be allowed except when the Teacher of the Common School is a Protestant. Provided fifthly, that the Trustees of the

**Provide as to  
certain returns.**

Common School sections within the limits of which such separate school section or sections shall have been formed, shall not include the children attending such separate school or schools, in their return of children of school age residing in their school sections.

**May unite all the  
school sections  
in a Township  
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agement of one  
Board of Trus-  
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quest of a major-  
ty of the sections  
concerned.**

XX. And be it enacted, That whenever the majority of the resident householders of the several school sections of any Township, at public meetings called by Trustees for that purpose, shall desire to abolish local school section divisions, and have all their schools conducted under one system, and one management, like the schools in Cities and Towns, the Municipality of such Township shall have authority to comply with their request thus expressed, by passing a By-law to that effect; and all the Common Schools of such Township shall be managed by one Board of Trustees, one of whom shall be chosen in and for each ward of the Township, if the Township be divided into wards, and if not then the whole number shall be chosen in and for the whole Township, and invested with the same powers, and subject to the same obligations, as are provided and required, in respect to Trustees in Cities and Towns, by the twenty-fourth section of this Act.

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#### IV. COUNCILS AND TRUSTEES IN CITIES, TOWNS, AND INCORPORATED VILLAGES, AND THEIR DUTIES.

XXI. And be it enacted, That the Council or Common Council of each City or incorporated Town in Upper Canada, shall be, and is hereby invested, within its limits and liberties as prescribed by law, and shall be subject to the same obligations as are the Municipal Council of each County and the Municipality of each Township by the eighteenth and twenty-seventh sections of this Act : Provided nevertheless, that the appointment of the Local Superintendent of Schools for such City or Town, shall be made by the Board of School Trustees for such City or Town.

Powers of Municipal Councils in Cities & Towns.

XXII. And be it enacted, That in each ward into which any City or Town is, or shall be divided according to law, two fit and proper persons shall be elected School Trustees by a majority of all the taxable inhabitants of such ward ; one of which Trustees (to be determined by lot, at the first Trustee meeting after their election) shall retire from office the second Wednesday of January following his election ; and the second of whom shall continue in office one year longer, and until his successor is elected ; and the persons thus elected shall form one Board of School Trustees for such City or Town.

Two Trustees to be elected in each ward of Cities and Towns.

Mode of retiring from office.

Persons thus elected to form a Board of Trustees.

XXIII. And be it enacted, That on the second Wednesday in January of each year, at the time prescribed by the second section of this Act, one fit and proper person shall be elected Trustee in each ward of every City and Town, and shall continue in office two years, and until his successor is elected : Provided always, that such election shall be held at the place where the last municipal election was held for such ward, and under the direction of the same returning officer, or, in his default, of such person as the electors present shall choose ; and such election shall be conducted in the same manner as an ordinary municipal election in each ward of such City or Town.

One Trustee to be elected in each ward of a City or Town, the second Wednesday in January of each year.

Mode of holding such election.

XXIV. And be it enacted, That the Board of School Trustees for each City and Town, shall be a

To be a corporation.

Duties of the Board of Trustees in each City or Town.

corporation under the name of "*The Board of School Trustees of the City (or Town) of \_\_\_\_\_ in the County of \_\_\_\_\_*"; (the first meeting thereof may be called in the City or Town Council room by any Trustee), and it shall be the duty of such Board,—

To appoint certain officers, &c.

*Firstly.* To appoint annually or oftener, a Chairman, Secretary, Superintendent of Schools, and one or more collectors of school rates, (if required); and to appoint the times and places of their meetings, and the mode of calling them, of conducting and recording their proceedings, and of keeping all their School accounts.

To hold School Property, &c.

*Secondly.* To take possession of all Common School property, and to accept and hold as a Corporation all property which may have been acquired or given for Common School purposes in such City or Town, by any title whatsoever; to manage or dispose of such property, and all moneys or income for Common School purposes, until the power hereby given shall be taken away or modified by law, and to apply the same, or the proceeds, to the objects for which they have been given or acquired.

To make all needful provisions in respect to Common School premises, text-books, &c.

*Thirdly.* To do whatever they may judge expedient with regard to purchasing or renting school sites and premises; building, repairing, furnishing, warming and keeping in order the school-house or school-houses, and its or their appendages, lands, enclosures and movable property; for procuring suitable apparatus and text-books; and for the establishment and maintenance of a school library or school libraries.

To determine the number and kind of Schools; employ Teachers, &c.

*Fourthly.* To determine the number, sites, kind and description of schools which shall be established and maintained in such City or Town; the Teacher or Teachers who shall be employed, the terms of employing them, the amount of their remuneration, and the duties which they are to perform; the salary of the Superintendent of Schools appointed by them and his duties; and to adopt, at their discretion, such measures as they shall judge expedient, in concurrence with the Trustees of the County Grammar School, for uniting one or more of the Common Schools of the City or Town with such Grammar School.

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*Fifthly.* To appoint annually, or oftener, if they shall judge expedient, for the special charge, oversight, and management of each school within such City or Town, and under such regulations as they shall think proper to prescribe, a committee of not more than three persons for each school.

To appoint a committee of three to take the special charge of each school.

*Sixthly.* To prepare from time to time, and lay before the Municipal Council of such City or Town, an estimate of the sum or sums which they shall judge expedient, for paying the whole or part of the salaries of Teachers; for purchasing or renting school premises; for building, renting, repairing warming, furnishing and keeping in order the school-houses and their appendages and grounds; for procuring suitable apparatus and text-books for the schools; for the establishment and maintenance of school libraries; and for all the necessary expenses of the schools under their charge; and it shall be the duty of the Common Council or Council of such City or Town, to provide such sum or sums in such manner as shall be desired by said Board of School Trustees.

To make an estimate of the expenses of the schools.

The Municipal Council to provide for such expenses.

*Seventhly.* To levy at their discretion, any rates upon the parents or guardians of children attending any school under their charge; and to employ the same means for collecting such rates, as Trustees of Common Schools in any Township may do under the twelfth section of this Act: Provided always, that all moneys thus collected shall be paid into the hands of the Chamberlain or Treasurer, of such City or Town for the Common School purposes of the same, and shall be subject to the order of the said Board of School Trustees.

To levy school rates bills at their discretion.

The sums thus collected to be paid into the hands of the Chamberlain or Treasurer.

*Eighthly.* To give orders to Teachers and other school officers and creditors upon the Chamberlain or Treasurer of such City or Town, for the sum or sums which shall be due them.

To give orders for the payment of Teachers, &c.

*Ninthly.* To call and give notice of annual and special school meetings of the taxable inhabitants of such City or Town, or of any Ward in it, in the same manner and under the same regulations as are prescribed in the twelfth section of this Act, for the appointment of annual and special school meet-

To call annual or special school meetings.

Continuance in office of persons elected to fill vacancies.

occurred in the Board of Trustees, from any cause whatever, shall hold office only during the unexpired part of the term for which the person whose place shall have become vacant, was elected to serve.

To see that the pupils are duly supplied with proper text books, &c.

*Tenthly.* To see that all the pupils in the schools are duly supplied with an uniform series of authorized text-books; to appoint a Librarian, and take charge of the school library or libraries, whenever established.

To have their school conducted according to law.

*Eleventhly.* To see that all the schools under their charge are conducted, according to the regulations authorized by law; and, at the close of each year, to prepare and publish, in one or more of the public papers, or otherwise, for the information of the inhabitants of such City or Town, an annual report of their proceedings, and of the progress and state of the schools under their charge;

To prepare and publish annual school reports, &c.

of the receipts and expenditure of all school moneys; and to prepare and transmit annually, before the fifteenth of January, to the Chief Superintendent of Schools, a report, signed by a majority of the Trustees, and containing all the information required in the reports

To prepare and transmit an annual report to the Chief Superintendent of Schools.

of Common School Trustees, by the twelfth section of this Act, and any additional items of information which may be lawfully required,

Contents of such report.

and made according to a form which shall be provided for that purpose by the Chief Superintendent of Schools.

Powers of Municipal Councils in incorporated villages.

obligations with regard to the levying and raising of moneys for Common School purposes, and for the establishment and maintenance of school libraries, within the limits of such incorporated Village, as are conferred and imposed by this Act upon the Municipal Corporations of Cities:

First election of trustees in such villages, the 2nd Wednesday in January, 1851.

XXV. And be it enacted, That the Municipality of every incorporated Village, shall possess and exercise all the powers, and be subject to all the obligations with regard to the levying and raising of moneys for Common School purposes, and for the establishment and maintenance of school libraries, within the limits of such incorporated Village, as are conferred and imposed by this Act upon the Municipal Corporations of Cities: Provided always, that on the second Wednesday in January, one thousand eight hundred and fifty-one, in each such incorporated Village, at the place of the then last annual election of Council-



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ors, there shall be a meeting of the taxable inhabitants of such incorporated Village, and which meeting shall be organized and conducted in the same manner as is prescribed in the twenty-third section of this Act, for the conducting of annual school meetings in the wards of Cities and Towns ; and at such meeting, six fit and proper persons, from among the resident freeholders or householders, shall be elected School Trustees for such incorporated Village ; and the persons thus chosen shall be divided by lot into three classes, of two individuals each, to be numbered one, two, three ; the first class shall hold office one year, the second, two years, and the third, three years, and until their successors are elected ; but each Trustee retiring from office shall be eligible to be re-elected with his own consent : Provided secondly, that there shall be a like school meeting annually in each such incorporated Village, at which two persons shall be chosen Trustees, in the place of the two retiring from office, and shall continue in office two years, and until their successors are elected : Provided thirdly, that the first annual school meeting in each incorporated Village, shall be called by the Town-reeve of such Village, who shall cause notices to be posted in at least six public places of such Village, at least six days before the time of holding such meeting.

How such elections to be held and conducted.

Six Trustees to be elected in each incorporated village.

Mode of retirement from office.

Two Trustees to be elected at each ensuing annual school meeting.

Mode of calling the first annual school meeting.

XXVI. And be it enacted, That the Trustees elected in each incorporated Village, according to the provisions of the preceding section, shall succeed to all the rights, powers, obligations and liabilities of the present Trustees of such incorporated Village, and shall be a Corporation under the title of the "*Board of School Trustees of the incorporated Village of—, in the County of —;*" and shall possess all the powers, and be subject to all the obligations, within the limits of such incorporated Village, as are conferred and imposed by the twenty-fourth section of this Act, upon the Trustees of Cities and Towns.

The trustees thus elected in each incorporated village to succeed to all the rights, obligations, &c., of the present trustees.

To be a corporation.

Their powers, obligations, and duties the same as those of trustees in cities and towns.

#### V. DUTIES OF COUNTY MUNICIPAL COUNCILS.

XXVII. And be it enacted, That it shall be the duty of the Municipal Council of each County :

Duties of county councils.



To raise, by assessment in each year, a sum equal to the Legislative school grant apportioned to such county.

to the amount of school money apportioned to the several Townships thereof for such year, by the Chief Superintendent of Schools, as notified by him to such Council, through the County Clerk : Provided

Such sum may be increased at the discretion of the council; and the additional sum raised may be disposed of at the pleasure of the council, to aid poor school sections or increase the county school fund.

Time for the payment of the county school assessment.

No teacher to be refused the payment of his due, on account of the non-collection of any part of the county school assessment.

County School assessment ; and the County Council shall make the necessary provision to enable the County Treasurer to pay the amount of such lawful order.

To raise money for County Common School Library.

To appoint local Superintendents of Schools, and provide for their salaries.

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*Firstly.* To cause to be levied each year upon the several Townships of such County, such sum or sums of money for the payment of the salaries of legally qualified Common School Teachers as shall at least be equal (clear of all charges of collection)

always, that the sum or sums so levied, may be increased at the discretion of such Council, either to increase the County School Fund, or to give special or additional aid to new or needy school sections, on the recommendation of one or more Local Superintendents: Provided also, that the sum required to be levied in such County in each year, for the salaries of legally qualified Teachers, shall be collected and paid into the hands of the County Treasurer, on or before the fourteenth day of December ; and provided likewise, that in case of the non-payment of any part of such sum into the hands of the County Treasurer at that time, no Teacher shall, upon application, be refused the payment of the sum to which he may be entitled from such year's County School Fund, but the County Treasurer shall pay any local Superintendent's lawful order in behalf of such Teacher, in anticipation of the payment of the

*Secondly.* To raise by assessment, such sum or sums of money, as it shall judge expedient, for the establishment and maintenance of a County Common School Library.

*Thirdly.* To appoint annually, a Local Superintendent of Schools for the whole County, or for any one or more Townships in such County, as it shall judge expedient ; to fix (within the limits prescribed by the thirtieth section of this Act), and provide for the salary or salaries of such Local Superintendent or Superintendents: Provided

always, that no such Local Superintendent shall have the oversight of more than one hundred Schools; and provided also, that the County Clerk shall forthwith notify the Chief Superintendent of Schools of the appointment and address of each such Local Superintendent, and of the County Treasurer: and shall likewise furnish him with a copy of all proceedings of such Council, relating to School assessments and other educational matters.

*Fourthly.* To see that sufficient security be given by all officers of such Council to whom School moneys shall be entrusted; to see that no deduction be made from the School Fund by the County Treasurer or Sub-treasurer, for the receipt and payment of School moneys; to appoint, if it shall judge expedient, one or more Sub-treasurers of School moneys, for one or more Townships of such County: Provided always, that each such Sub-treasurer shall be subject to the same responsibilities and obligations in respect to the accounting for School moneys and the payment of lawful orders for such moneys given by any Local Superintendent within the parts of the County for which he is appointed Sub-treasurer, as are imposed by this Act upon each County Treasurer, in respect to the paying and accounting for School moneys.

*Fifthly.* To appoint annually, or oftener, Auditors, whose duty it shall be to audit the accounts of the County Treasurer and other officers to whom school moneys shall have been intrusted, and report to such Council; and the County Clerk shall transmit to the Chief Superintendent of Schools, on or before the first day of March in each year, a certified copy of the abstract of such report, and also give any explanations relating thereto, as far as he is able, which may be required by the Chief Superintendent.

No local Superintendent to have charge of more than 100 schools.

County clerk to notify the Chief Superintendent of schools of the names and address of local Superintendents, also of the name and address of the county Treasurer.

To secure all school moneys.

To see that no deduction be made from the county common school fund.

To appoint a sub-treasurer of school moneys at its discretion.

To cause the school accounts to be audited, &c.

County clerk to transmit to the Chief Superintendent an abstract of such accounts, &c.

## VI. CONSTITUTION AND DUTIES OF THE COUNTY BOARDS OF PUBLIC INSTRUCTION.

XXVIII And be it enacted, That the Board of Trustees for the County Grammar School and the

Trustees of the county grammar school and local

superintendents to constitute a county board of public instruction. More than one county board may be appointed in certain cases.

Circuits as there are County Grammar Schools, and the Trustees of each County Grammar School and the Local Superintendent or Superintendents of Schools in each circuit, shall be a Board of Public

Three (including a superintendent) to be a quorum for the examination of teachers—five for other purposes.

School Teachers, and not less than five members shall constitute a *quorum* for the transaction of any other business : Provided likewise, that the incidental expenses connected with the meeting and proceedings of each County Board of Public Instruction shall be provided for by the Municipal Council of such County.

Incidental expenses to be defrayed by the county council.

Duties of each county board of public instruction

To meet quarterly, &c.

To examine and give certificates of qualification to teachers.

Proviso :

Teacher must give proof of good moral character ; must be a British subject.

at the time of applying for such certificate of qualification, be a natural born or naturalized subject of Her Majesty, or who shall not,

Local Superintendent or Superintendents of Schools in each County, shall constitute a Board of Public Instruction for such County : Provided always, that where there is more than one Grammar School in a County, the County Council shall have authority to divide such County into as many

Instruction for such circuit : Provided also, that at any lawful meeting of such Board, not less than three members, including a Local Superintendent of

Schools, shall constitute a *quorum* for examining and giving certificates of qualification to Common

*quorum* for the transaction of any other business : Provided likewise, that the incidental expenses connected with the meeting and proceedings of each

XXIX. And be it enacted, That it shall be the duty of each County Board of Public Instruction :

*Firstly.* To meet not less than four times a year ; to determine the time and places of its own meetings, and the order of its proceedings, and the manner of recording them.

*Secondly.* To examine and give certificates of qualification to Teachers of Common Schools, arranging such Teachers into three classes according to their attainments and ability, as shall be prescribed in a programme of examination and instructions to be provided according to law ; also to annul any such certificate as it shall judge expedient : Provided always, that no certificate of qualification shall be given to any person as a Teacher, who shall not furnish satisfactory proof of good moral character ; nor to any person who shall not,

at the time of applying for such certificate of qualification, be a natural born or naturalized subject of Her Majesty, or who shall not,

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produce a certificate of having taken the oath of allegiance to Her Majesty, before some one of Her Majesty's Justices of the Peace for the County in which he shall be a resident ; and all Justices of the Peace are hereby authorized to administer such oath of allegiance : Provided also, that any such certificate of qualification, shall be general, as regards the County, or limited as to time or place, at the pleasure of the majority of the members of the County Board of Public Instruction present at such examination : Provided likewise, that every such certificate shall have the signature of at least one local Superintendent of Schools.

Certificate may be general or limited.

Must have the signature of one local Superintendent of Schools.

*Thirdly.* To select (if deemed expedient), from a list of text-books recommended or authorized by the Council of Public Instruction, such books as they shall think best adapted for the use of the Common Schools of such County or Circuit ; and to ascertain and recommend the best facilities for procuring such books.

To select text-books for schools, from the general authorized list.

To facilitate the procuring of such books.

*Fourthly.* To adopt all such lawful means in their power as they shall judge expedient, to advance the interests and usefulness of Common Schools, to promote the establishment of School Libraries, and to diffuse useful knowledge in such County or Circuit.

To provide for the establishment of a county school library.

To promote the interests of schools and the diffusion of useful knowledge generally.

## VII. DUTIES OF LOCAL SUPERINTENDENTS OF SCHOOLS.

XXX. And be it enacted, that each Local Superintendent of Common Schools, appointed as provided for in the twenty-seventh section of this Act, shall be entitled, annually, to not less than one pound currency per School placed under his charge, together with any additional remuneration or allowance which the Council appointing him shall grant ; and such Superintendent shall be paid the same in quarterly instalments by the County Treasurer.

Local Superintendent of Schools. To be entitled to a remuneration of not less than one pound per school under his charge.

To be paid quarterly by the treasurer of the county.

XXXI. And be it enacted, That it shall be the duty of each Local Superintendent of Schools :

Duties of Local Superintendents of Schools.

To distribute the common school fund among the several school sections according to the ratio of attendance, unless otherwise directed.

sections entitled to receive it, according to the rates of the average attendance of pupils attending each Common School, (the mean attendance of pupils for both summer and winter being taken), as compared with the whole average number of pupils attending the Common Schools of such Township.

On the order of trustees to give cheques to teachers upon the country or sub-county treasurer for school moneys.

Conditions of giving such cheques.

Such conditions not to apply to new school sections.

To visit each school at least once a-quarter.  
Duties at such visitations

progress of the pupils in learning, the order and discipline observed, the system of instruction pursued, the mode of keeping the school registers, the average attendance of pupils, the character and condition of the building and premises, and to give such advice as he shall judge proper.

To deliver a public lecture in each school section at least once a-year.

**First.** As soon as he shall have received from the County Clerk a notification of the amount of money apportioned to the Township or Townships within the limits of his charge, to apportion the same (unless otherwise instructed by the Chief Superintendent of Schools), among the several school

**Secondly.** To give to any qualified Teacher, and to no other, on the order of the Trustees of any school section, a cheque upon the County Treasurer or sub-Treasurer, for any sum or sums of money apportioned and due to such section : Provided always, that he shall not pay any such order of the Trustees of any school section, from whom no satisfactory annual school report shall have been received for the year ending the last day of the December preceding ; nor unless it shall appear by such report, that a school has been kept by a qualified Teacher in such section for at least six months during the year ending at the date of such report : Provided also, that the foregoing condition shall not apply to the order or orders of Trustees in any new school section, for money apportioned and due to such section.

**Thirdly.** To visit each Common School within his jurisdiction, at least once in each quarter ; and at the time of each such visit to examine into the state and condition of the School, as respects the progress of the pupils in learning, the order and discipline observed, the system of instruction pursued, the mode of keeping the school registers, the average attendance of pupils, the character and condition of the building and premises, and to give such advice as he shall judge proper.

**Fourthly.** To deliver in each school section, at least once a-year, a public lecture on some subject connected with the objects, principles, and means of

of practical education ; and to do all in his power to persuade and animate parents, guardians, Trustees and Teachers, to improve the character and efficiency of the Common Schools, and secure the universal and sound education of the young.

*Fifthly.* To see that all the schools are managed and conducted according to law ; to prevent the use of unauthorized, and to recommend the use of authorized books in each school ; to acquire and give information as to the manner in which such authorized books can be obtained, and the economy and advantages of using them.

*Sixthly.* To attend the meetings of the County Board of Public Instruction ; to meet and confer with the Chief Superintendent of Schools at such time and place as he may appoint when making an official visit to such county, for the promotion of the interests of Education.

*Seventhly.* To attend the Arbitrations, and to meet the Townreeves as provided for in the twelfth and eighteenth sections of this Act ; to decide upon any other questions of difference which may arise between interested parties under the operation of this or any preceding Act, and which may be submitted to him ; Provided always, that he may, if he shall deem it advisable, refer any such question to the Chief Superintendent of Schools : Provided also, that any aggrieved or dissatisfied party, in any case not otherwise provided for by this Act, shall have the right of appeal to the Chief Superintendent of Schools.

*Eighthly.* To suspend the certificate of qualification of any Teacher, for any cause which shall appear to him to require it, until the next ensuing meeting of the County Board of Public Instruction, where the case shall be disposed of in such manner as a majority of the members present shall think proper : Provided always, that due notice shall be given to the Teacher suspended,

Topics of such lecture.  
Other duties.

To enforce the law.  
To recommend the use of authorized text-books ; and to facilitate the procuring of them.

To attend the meetings of the county Board of Public Instruction To meet and confer with the Chief Superintendent of Schools in his official visits to such county.

To attend arbitrations for the settlement of certain questions of dispute.  
To decide upon other questions of dispute at discretion.

Or (proviso) refer them to the Chief Superintendent of Schools.

Proviso : aggrieved or dissatisfied parties may appeal in certain cases.

To suspend certificates of qualification in certain cases.

The cancelling or suspension of a teacher's certificate.

cate of qualification, to release his trustees from obligation to continue him in their employment.

of such meeting of the County Board : Provided also, that the cancelling or suspension of a Teacher's certificate of qualification, shall release his School Trustees from any obligation to continue him in their employment.

To observe all lawful regulations and instructions in the discharge of his duties.

To give information to the Chief Superintendent when desired.

To account to the county auditors, &c.

Sub-Treasurer for School moneys ; to deliver copies of his official correspondence and all school papers in his custody, to the order of the County Council on retiring from office.

To prepare and transmit an annual school report to the Chief Superintendent.

Contents of such report.

Number of schools, &c.

Whole number of children of school age, &c.

Children residing in each section, or part of a section, over the age of five and under the age of sixteen years.

Time of keeping the schools open; branches taught, &c.

Books used, average attendance, &c.

*Ninthly.* To act in accordance with the regulations and instructions which shall be provided according to law ; to give any information in his power, (when desired), to the Chief Superintendent of Schools, respecting any Common School matter within his jurisdiction ; to furnish the County Auditors, when required, with the Trustees' orders as the authority for his cheques upon the County or Sub-Treasurer for School moneys ; to deliver copies of his official correspondence and all school papers in his custody, to the order of the County Council on retiring from office.

*Tenthly.* To prepare and transmit to the Chief Superintendent of Schools, on or before the first day of March, an annual report, which shall be in such form as shall be provided by the said Chief Superintendent and which shall state :—

1st.—The whole number of schools and school sections or parts of sections in each Township within his jurisdiction.

2nd.—The number of pupils taught in each school over the age of five and under the age of sixteen years; the number between the ages of sixteen and twenty-one years ; the whole number of children residing in each section, or part of a section, over the age of five and under the age of sixteen years.

3rd.—The length of time a school shall have been kept in each such section or parts of sections, by a qualified Teacher ; the branches taught, the number of pupils in each branch, and the books used ; the average attendance of pupils, both male and female, in summer and in winter.

4th.—The amount of moneys which have been received and collected in each section or part of section—distinguishing the amount apportioned by the Chief Superintendent of Schools, the amount received from County Assessment, the amount raised by Trustees, and the amount from any other and what source or sources ; also how such moneys have been expended, or whether any part remains unexpended, and from what causes ; the annual salary of Teachers, male and female, with and without board.

The amount of moneys received and expended, &c.

5th.—The number of his and other School visits during the year ; the number of school lectures delivered ; the whole number of school-houses, their sizes, character, furniture and appendages, the number rented, the number erected during the year, and of what character, and by what means.

The number of school visits and lectures.

Of school-houses, &c.

6th.—The number of qualified Teachers, their standing, sex, and religious persuasion ; the number, so far as he may be able to ascertain, of private Schools, the number of pupils and subjects taught therein ; the number of Libraries, their extent, how established and supported ; also, any other information which he may possess respecting the educational state, wants and advantages in each Township of his charge, and any suggestions which he shall think proper to make with a view to the improvement of Schools and diffusion of useful knowledge.

Of teachers, &c.

Of private schools libraries, &c.

### VIII. SCHOOL VISITORS AND THEIR DUTIES.

XXXII. And be it enacted, That all Clergymen recognized by law, of whatever denomination, Judges, Members of the Legislature, Magistrates, Members of County Councils and Aldermen, shall be School visitors in the Townships, Cities, Towns and Villages where they shall respectively reside : Provided always, that persons holding the Commission of the Peace for the County only, shall not be School Visitors within Towns and Cities : Provided also, that each Clergyman shall be a School Visitor in any Township, Town or City where he may have pastoral charge.

Who shall be school visitors.

Provido: as to county magistrates.



School visitors authorized to visit the schools, attend examinations, and examine into the state of each school, &c.

XXXIII. And be it enacted, That it shall be lawful for each of said School Visitors, to visit, as far as practicable, all the Public Schools in such Township, City, Town or Village; especially to attend the quarterly examinations of Schools, and, at the time of any such visit, to examine the progress of the pupils, and the state and management of the School, and to give such advice to the Teachers and pupils, and any others present, as he may think advisable, in accordance with the regulations and instructions which shall be provided in regard to School Visitors according to law: Provided always, that a General Meeting of such

Proviso:  
General meetings may be called.

Visitors may be held at any time or place which may be appointed by any two Visitors, on sufficient notice being given to the other Visitors in the Township, City, Town or Village; and it shall be lawful for such Visitors, thus assembled, to devise such means as they may deem expedient for the efficient visitation of the Schools, and to promote the establishment of Libraries and the diffusion of useful knowledge.

Duties and objects of such meetings.

#### IX. DUTIES OF THE CHIEF SUPERINTENDENT OF SCHOOLS.

Chief Superintendent of Schools appointed.

XXXIV. And be it enacted, That the Governor may, from time to time, by Letters Patent under the Great Seal of the Province, appoint a fit and proper person to be Chief Superintendent of Schools for Upper Canada, who shall hold his office during pleasure, and shall receive a salary

His salary.

of the same amount as that now provided by law, or as may hereafter be provided by law, for the Superintendent of Education in Lower Canada; and shall be responsible to, and subject to the direction of, the Governor-General, communicated to him through such Department of Her Majesty's Provincial Government, as by the Governor may be directed in that behalf; and shall account for the contin-

To account for the contingent expenses of his office.

To be allowed two clerks; their salaries.

gent expenses of his office, as provided in respect of other public offices; and shall be allowed two Clerks, who shall receive the same salaries as are or shall be by law attached to similar offices in the education law of Lower Canada, to commence from the first of July, one thousand eight hundred and fifty.

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**XXXV.** And be it enacted, That it shall be the duty of the Chief Superintendent of Schools :

*Firstly.* To apportion, annually, on or before the first day of May, all moneys granted or provided by the Legislature for the support of Common Schools in Upper Canada, and not otherwise appropriated by this Act, to the several Counties, Townships, Cities, Towns and incorporated Villages therein, according to the *ratio* of population in each, as compared with the whole population of Upper Canada ; or when the census or returns upon which such an apportionment is to be made, shall be so far defective, in respect to any County, Township, City, Town or Village, as to render it impracticable for the Chief Superintendent to ascertain from such *data* the share of school moneys which ought then to be apportioned to such County, Township, City, Town or Village, he shall ascertain, by the best evidence in his power, the facts upon which the *ratio* of such apportionment can be most fairly and equitably made, and make it accordingly.

*Secondly.* To certify such apportionment made by him, to the Inspector-General, so far as it relates to the several Counties, Cities, Towns and incorporated Villages in Upper Canada, and to give immediate notice thereof to the Clerk of each County, City, Town and Village interested therein, stating the time when the amount of moneys thus apportioned, will be payable to the Treasurer of such County, City, Town or Village.

*Thirdly.* To prepare suitable forms, and to give such instructions as he shall judge necessary and proper, for making all reports, and conducting all proceedings under this Act, and to cause the same with such general regulations, as shall be approved of by the Council of Public Instruction, for the better organization and government of Common Schools, to be transmitted to the officers required to execute the provisions of this Act.

*Fourthly.* To cause to be printed from time to time, in a convenient form, so many copies of this Act, with the necessary forms, instructions, and regulations to be observed in executing its provisions, as he may deem sufficient for the information

Duties of the Chief Superintendent.

To apportion all moneys granted by the legislature for the support of common schools, and in what ratio.

To certify such apportionment to the Inspector-General, and to the county clerks.

To prepare suitable forms, &c., for executing the law, and transmit them to local school officers.

To cause copies of the school law, regulations, &c., to be printed and distributed as occasion may require.

of all officers of Common Schools, and to cause the same to be distributed for that purpose.

To see that all school moneys apportioned by him are duly applied according to law.

To direct the disposal of balances of such moneys in certain cases and under certain conditions.

To appoint a Deputy and special inspectors in certain cases.

matter, in the County where such person or persons reside, and report to him : Provided, that no allowance or compensation shall be made to such special inspector or inspectors for any service or services performed by him or them.

Duties in regard to the Normal School.

And text-books.

School libraries.

Plans of school-houses.

The collection and diffusion of useful knowledge.

To submit to the Council of Public Instruction, books manuscripts, &c.

*Fifthly.* To see that all moneys apportioned by him, be applied to the objects for which they were granted; and for that purpose to decide upon all matters and complaints submitted to him, (and not otherwise provided for by this Act,) which involve the expenditure of any part of the School Fund; and to direct the application of such balances of the School Fund, as may have been apportioned for any year and forfeited according to the provisions of this Act : Provided always, that such balances of the School Fund shall be expended in making up the salaries of Teachers in the County to which they shall have been apportioned.

*Sixthly.* To appoint one of his Clerks as his Deputy, to perform the duties of his Office in case of his absence ; and to appoint one or more persons, as he shall, from time to time, deem necessary, to inspect any school, or examine into any school

*Seventhly.* To take the general Superintendence of the Normal School ; and to use his best endeavours to provide for and recommend the use of uniform and approved text-books in the schools generally.

*Eighthly.* To employ all lawful means in his power to procure and promote the establishment of School Libraries for general reading, in the several Counties, Townships, Cities, Towns, and Villages; to provide and recommend the adoption of suitable plans of school-houses, with the proper furniture and appendages ; and to collect and diffuse useful information on the subject of education generally, among the people of Upper Canada.

*Ninthly.* To submit to the Council of Public Instruction all books or manuscripts which may be placed in his hands with the view of obtaining the

recommendation or sanction of such Council, for their introduction as text-books or library books ; and to prepare and lay before the Council of Public Instruction for its consideration, such general regulations for the organization and government of Common Schools, and the management of School Libraries as he shall deem necessary and proper.

To lay before said Council, general regulations, &c.

*Tenthly.* To apportion whatever sum or sums of money shall be provided by the Legislature for the establishment and support of School Libraries : Provided always, that no aid shall be given towards the establishment or support of any School Library unless an equal amount be contributed and expended from local sources for the same object.

To apportion moneys granted for the establishment of school libraries.

Proviso : Condition of sharing in such apportionment.

*Eleventhly.* To appoint proper persons to conduct County Teachers' Institutes, and to furnish such rules and instructions as he shall judge advisable in regard to the proceedings of such Institutes and the best means of promoting their objects, in elevating the profession of school teaching and increasing its usefulness.

To appoint persons to conduct teachers' institutes, and prepare rules and instructions for regulating their proceedings.

*Twelvethly.* To be responsible for all moneys paid through him in behalf of the Normal and Model Schools, and to give such security for the same as shall be required by the Governor ; and to prepare and transmit all correspondence which shall be directed or authorized by the Council of Public Instruction for Upper Canada.

To account for moneys, &c.

*Thirteenthly.* To make annually to the Governor, on or before the first day of July, a report of the actual state of the Normal, Model and Common Schools throughout Upper Canada, showing the amount of moneys expended in connexion with each, and from what sources derived, with such statements and suggestions for improving the Common Schools and the Common School laws, and promoting education generally, as he shall deem useful and expedient.

To report annually to the Governor on certain matters.

#### X. CONSTITUTION AND DUTIES OF THE COUNCIL OF PUBLIC INSTRUCTION.

XXXVI. And be it enacted, That the Governor shall have authority to appoint not more than nine

Council of Public Instruction for U. C.

persons (of whom the Chief Superintendent of Schools shall be one) to be a Council of Public Instruction for Upper Canada, who shall hold their office during pleasure, and shall be subject from time to time to all lawful orders and directions in the exercise of their duties, which shall, from time to time, be issued by the Governor.

Mode of providing a place and defraying the expenses of the meetings of such Council; of calling the first meeting and any special meeting.

that the expenses attending the proceedings of the said Council shall be accounted for by the Chief Superintendent of Schools as part of the contingent expenses of the Education Office; that the Senior Clerk in the Education Office shall be Recording Clerk to the said Council, shall enter all its proceedings in a book kept for that purpose, shall, as may be directed, procure the books and stationery for the Normal and Model Schools, and shall keep all the accounts of the said Council.

Duties of the Council of Public Instruction.

XXXVIII. And be it enacted, That it shall be the duty of the said Council of Public Instruction, (three members of which, at any lawful meeting, shall form a *quorum* for the transaction of business):

To regulate its own proceedings,

*First.* To appoint a Chairman, and establish the times of its meetings, and the mode of its proceedings, which Chairman shall be entitled to a second or casting vote in cases of an equality of votes on any question.

To do all things necessary for the permanent establishment and efficiency of the Normal School.

*Secondly.* To adopt all needful measures for the permanent establishment and efficiency of the Normal School for Upper Canada, containing one or more Model Schools for the instruction and training of Teachers of Common Schools in the science of education and art of teaching.

To make rules for the management and government

*Thirdly.* To make from time to time, the rules and regulations necessary for the management and

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government of such Normal School ; to prescribe the terms and conditions on which students shall be received and instructed therein ; to select the location of such school, and erect or procure and furnish the buildings therefor ; to determine the number and compensation of teachers, and all others who may be employed therein ; and to do all lawful things which such Council shall deem expedient to promote the objects and interests of such school.

**Fourthly.** To make such regulations from time to time as it shall deem expedient for the organization, government and discipline of Common Schools; the classification of Schools and Teachers, and for School Libraries throughout Upper Canada.

**Fifthly.** To examine, and, at its discretion, recommend or disapprove of text-books for the use of schools, or books for School Libraries : Provided always that no portion of the Legislative School Grant shall be applied in aid of any school in which any book is used that has been disapproved of by the Council, and public notice given of such disapproval.

**Sixthly.** To transmit annually, through the Chief Superintendent of Schools, to the Governor, to be laid before the Legislature, a true account of the receipt and expenditure of all moneys granted for the establishment and support of the Normal School.

of the Normal School; to prescribe the terms of admission.

To erect or procure and furnish Normal School buildings.

To appoint teachers, &c.

To make regulations for the organization and government of common schools generally.

To examine and recommend books for schools, and for school libraries ;  
Provido :

To account annually.

## XI. MISCELLANEOUS PROVISIONS.

**XXXIX.** And be it enacted, That a sum not exceeding fifteen hundred pounds per annum shall be allowed out of the Legislative School Grant for the salaries of officers and other contingent expenses of the Normal School ; and that a sum not exceeding one thousand pounds per annum be allowed out of the said grant to facilitate the attendance of Teachers in training at the Normal School, under such regulations as shall, from time to time, be adopted by the Council of Public Instruction.

£1500 per annum, granted for the Normal School :

£1000 per annum to facilitate the attendance of teachers in training.

What moneys to constitute the common school fund.

Conditions of its apportionment.

Certain sums to be expended for the establishment of school libraries &c., under certain regulations.

Proviso: the amount heretofore apportioned in aid of common schools not to be lessened.

The moneys apportioned annually in aid of com-

XL. And be it enacted, That the sum of money apportioned annually by the Chief Superintendent of Schools to each County, Township, City, Town or Village, and at least an equal sum raised annually by local assessment, shall constitute the Common School Fund of such County, Township, City, Town, or Village, and shall be expended for no other purpose than that of paying the salaries of qualified Teachers of Common Schools: Provided always, that no County, City, Town or Village shall be entitled to a share of the Legislative School Grant without raising by assessment, a sum at least equal (clear of all charges for collection) to the share of the said School Grant apportioned to it: and provided also, that should the Municipal Corporation of any County, City, Town or Village, raise in any one year a less sum than that apportioned to it out of the Legislative School Grant, the Chief Superintendent of Schools shall deduct a sum equal to the deficiency, from the apportionment to such County, City, Town or Village in the following year.

XLI. And be it enacted, That it may and shall be lawful for the Governor in Council, to authorize the expenditure annually, out of the share of the Legislative School Grant coming to Upper Canada, of a sum not exceeding three thousand pounds, for the establishment and support of School Libraries, under such regulations as are provided for by this Act; of a sum not exceeding twenty-five pounds in any County or Riding for the encouragement of a Teachers' Institute, under the regulations hereinbefore provided; and of a sum not exceeding two hundred pounds in any one year to procure plans and publications for the improvement of School Architecture and practical Science in connexion with the Common Schools: Provided always, that the amount heretofore apportioned in aid of Common Schools to the several Counties, Cities, Towns and Villages in Upper Canada, shall not be lessened by the appropriation of such sums, but they shall be taken out of any additional amount awarded to Upper Canada, out of the said Grant, in consideration of the increase of its population in proportion to that of the whole Province.

XLII. And be it enacted, That the sum of money annually apportioned in aid of Common Schools in

the several Counties, Cities, Towns and Villages in Upper Canada, shall be payable on or before the first day of July, in each year, to the Treasurer of each County, City, Town and Village, in such way as the Governor in Council shall from time to time direct.

mon schools to be payable the first day of July.

XLIII. And be it enacted, That if any part of the Common School Fund shall be embezzled or lost through the dishonesty or faithlessness of any party to whom it shall have been entrusted, and proper security against such loss shall not have been taken, the person or persons whose duty it was to have exacted such security, shall be responsible for the sum or sums thus embezzled or lost, and the same may be recovered from them by Civil Suit in any Court of Law having jurisdiction to the amount claimed, by the party or parties entitled to receive such sum or sums, or at the suit of the Crown. *Proviso.* Provided always, that if any Secretary-treasurer appointed by the School Trustees of any school division, or any person having been such Secretary-treasurer, and having in his possession any books, papers, chattels, or moneys, which shall have come into his possession, as such Secretary-treasurer, shall wrongfully withhold or refuse to deliver up, or to account for and pay over the same or any part thereof to such person, and in such manner as he may have been lawfully directed by any majority of the School Trustees for such School division then in office, such withholding or refusal shall be a misdemeanor; and upon the application of the majority of such Trustees, supported by affidavit of such wrongful withholding or refusal made by them before some justice of the Peace to the Judge of the County Court, such Judge shall thereupon make an order that such Secretary-treasurer or person having been such, do appear before such Judge at a time and place to be appointed in such order, which shall, by a Bailiff of any Division Court, be personally served on the party complained against; or left with a grown up person at his residence, and at the time and place so appointed, the Judge being satisfied that such service has been made, shall in a summary manner and whether the the party complained of do or do not appear, hear the complaint; and if he shall be of opinion that the complaint is well founded, he shall order the party complained of to deliver up, account for and pay over the books, papers, chattels, or moneys, as aforesaid, by a certain day, to

Protection of the common school fund against loss.



be named by the Judge in such order, together with reasonable costs incurred in making such application, as the Judge may tax, and in the event of a noncompliance with the terms specified in the said order or any or either of them, then to order the said party to be forthwith arrested by the Sheriff of any County in which such party shall be found, and be by him committed to the Common Gaol of his County, there to remain without bail or mainprize until such Judge shall be satisfied that such party has delivered up, accounted for or paid over the books, papers, chattels, or moneys in question in the manner directed by the majority of the Trustees as aforesaid, upon proof of his having done which, such Judge shall make an order for his discharge, and he shall be discharged accordingly ; provided always, that no proceeding under this proviso shall be construed to impair or affect any other remedy which the said Trustees may have against such Secretary-treasurer, or person having been such, or his sureties.

Certificates of qualification for U. C. granted to teachers under certain circumstances.

Proviso.

XLIV. And be it enacted, That it may and shall be lawful for the Chief Superintendent of Schools, on the recommendation of the Teachers in the Normal School, to give to any Teacher of Common Schools a certificate of qualification which shall be valid in any part of Upper Canada, until revoked according to law ; Provided always, that no such certificate shall be given to any person who shall not have been a Student in the Normal School.

Salaries of Superintendents and expenses incurred in the execution of the school law, how paid;

XLV. And be it enacted, That no part of the salaries of the Chief or Local Superintendents of Schools, nor of any other persons employed, or expenses incurred, in the execution of this Act, shall be paid out of the Common School Fund, which shall, wholly and without diminution, be expended in the payment of Teachers' salaries, as hereinbefore provided.

Punishment of persons disturbing meetings, &c.

XLVI. And be it enacted, that any person who shall wilfully disturb, interrupt, or disquiet the proceedings of any school meeting authorized to be held by this act or any school established and conducted under its authority, shall for each offence, forfeit for Common School purposes, to the School Section, City, Town or Village, within the limits of which such

offence shall have been committed, a sum not exceeding five pounds, and may be prosecuted before any Justice of the Peace, by any person whatever, and convicted on the oath of one credible witness other than the prosecutor, and if convicted, the said penalty shall, if not forthwith paid, be levied with costs by distress and sale of goods and chattels of the offender, under a warrant of such Justice, and paid over by him to the School Treasurer of such Section, City, Town or Village ; or the said offender shall be liable to be indicted and punished for the same as a misdemeanor.

**XLVII.** And be it enacted, That the first election of Trustees in all the Cities and Towns of Upper Canada, as provided for in the twenty-second section of this Act, shall commence at ten of the clock in the forenoon of the first Tuesday in September, one thousand eight hundred and fifty, and that the places of election in the several Wards of each City or Town, together with the name of the Returning Officer for each such Ward, shall be duly notified, by causing notices to be put up in at least three public places in each such Ward, and not less than six days before such election, by the Mayor of each City and Town respectively : Provided always, that the School Trustees then elected in each City and Town, shall be subject to all the obligations which have been contracted by the present School Trustees of such City or Town ; and shall be invested with all the powers conferred by this Act on School Trustees of Cities and Towns for the fulfilment of such obligations, and for the performance of all other duties imposed by this Act.

Temporary provisions for holding the first elections in cities and towns.

**XLVIII.** And be it enacted, That the Interpretation Act shall apply to this Act ; that the word "Teacher," shall include Female as well as Male Teachers ; that the word "Townships" shall include Unions of Townships made for Municipal purposes ; and the word "County" shall include unions of Counties for municipal purposes.

Interpretation clause.

# FORMS AND INSTRUCTIONS

FOR EXECUTING THE PROVISIONS OF THE COMMON SCHOOL ACT,  
13th and 14th Victoria, chapter 48.

BY THE CHIEF SUPERINTENDENT OF SCHOOLS.

*Authorized and required by the third clause of the Thirty-fifth section of said Act.*

## CHAPTER I.

FORMS FOR TRUSTEES, AND FOR THE CALLING OF SCHOOL SECTION,  
MEETINGS, &c.,

*In conformity with the Common School Act, 13th and 14th Vict., chap. 48, Section 4-14.*

### SECTION 1. Form of Notice of a first School Section Meeting.

#### SCHOOL NOTICE.

The undersigned inform the Freeholders and Householdors concerned, that the Municipal Council of this Township has formed a part of the Township into a School Section, to be designated School Section, No. —, and to be limited and known as follows :—[ *Here insert the Description of the Section.* ]

The undersigned having been authorized and required by the Municipal Council to appoint the time and place of holding the first meeting, for the election of Trustees for the School Section above described, hereby notifies the Freeholders and Householdors of said School Section, that a Public Meeting will be held at — on — day, the — of —, at the hour of 10 o'clock, in the forenoon, for the purpose of electing three fit and proper persons as School Trustees of the said Section, as required by the School Act, 13th and 14th Vict. chap. 48, sect. 4.

Given under my hand, this — day of —, 18—.

[Name.]

REMARKS. Should the person authorized and appointed by the Municipal Council to call the first School Section Meeting refuse or neglect to do so, he subjects himself to a penalty of one pound five shillings, recoverable for the purposes of such School Section; and, then, any two Householdors are authorized, within twenty days, on giving six days' notice, to call a meeting for the election of Trustees. The form of their notice—to be posted in, at least, three public places in the School Section concerned, and at least, six days before the time of holding such meeting—should be as follows :—

#### SCHOOL NOTICE.

In conformity with the 9th section of the Common School Act, 13th and 14th Vict., chap. 48, the undersigned, Householdors of School Section, No. —, in the Township of —, hereby give notice to the Freeholders and Householdors of said School Section, that a Public Meeting will be held at —, on — day, the — of —, at the hour of 10 o'clock, in the forenoon, for the purpose of electing School Trustees for the said Section.

Dated this — day of —, 18—.

A. B. }  
C. D. } *Householders.*

**SECTION 2.** *Form of Notice, signed by the Chairman and Secretary of a School Section Meeting, to be transmitted by the Secretary to the Local Superintendent of Schools intimating the election of one or more persons as Trustee or Trustees.*

SCHOOL ACT.

of said Act.

SCHOOL SECTION,

18, Section 4-14.

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SIR,—In conformity with the Common School Act, 13th and 14th Vict., chap. 48, sect. 5, we have the honor to inform you, that, at a meeting of the Freeholders and Householders of School Section, No.—, in the Township of —, held according to law, on the — day of —, [Here insert the name or names or address of the person or persons elected] — chosen School (Trustee or Trustees) of said Section.

We have the honor to be, Sir,  
Your obedient Servants,

D. E.,  
Chairman,  
F. A.,  
Secretary.

To the Local Superintendent of Schools  
For the County or Township of —

**SECTION 3.** *Form of a Notice of an ordinary ANNUAL SCHOOL Section Meeting, pursuant to the 12th clause of the 12th section of the School Act, 13th and 14th Vict., chap. 48.*

#### SCHOOL NOTICE.

The undersigned Trustees of School Section, No. — in the Township of —, hereby give notice to the Freeholders and Householders of said School Section, that a Public Meeting will be held at —, on the second Wednesday in January, 18—, at the hour of Ten of the clock, in the forenoon, for the purpose of electing a fit and proper person as a School Trustee for said Section.

Dated this — day of —, 18—.

A. B., } Trustees of  
C. D., } School Section,  
E. F., } No. —

**REMARKS.** The above notice should be signed by a majority of the existing or surviving Trustees, and posted in, at least, three public places of the School Section, at least six days before the holding of the meeting. The manner of proceeding at the Annual Meeting is prescribed in the 6th section of the Act.

Should the Trustees neglect to give the prescribed notice of the Annual Section Meeting, they forfeit, each, the sum of one pound five shillings, recoverable for the purposes of the School Section, and then any two Householders of the School Section are authorized within twenty days' notice, to call such meeting. Their form of notice should be as follows :—

**SECTION 4.** *Form of Notice of an ANNUAL School Section Meeting to be given by two Householders.*

#### SCHOOL NOTICE.

The Trustees of School Section, No. —, in the Township of —, having neglected to give notice of the Annual School Section Meeting, as prescribed by the 12th clause of the 12th section of the Common School Act, the undersigned hereby give notice to the Freeholders and Householders of the said School Section, that a Public Meeting will be held at —, on —, the — day of —, at 10 of the clock in the forenoon, for the purpose of electing a fit and proper person as Trustee, as directed by law.

Dated this — day of —, 18—.

A. B., } Householders,  
C. D., } School Section, No. —.

**REMARK.** The mode of proceeding, at a School Meeting thus called, is prescribed in the 6th section of the Act.

**SECTION 5. Form of Notice of a School Meeting, to fill up a vacancy created by the death, permanent absence, incapacity from sickness, refusal to serve, resignation, &c., on the part of a Trustee.**

**SCHOOL NOTICE.**

Notice is hereby given to the Freeholders and Householdors of School Section, No. —, in the Township of —, that a Public Meeting will be held at —, on the — day of —, at the hour of Ten of the clock, in the forenoon, for the purpose of electing a fit and proper person as School Trustee, in the place of —, [deceased, removed, incapacitated from sickness, absent, resignation, or who has refused to serve, as the case may be.]

Dated this — day of  
—, 18—

A. B., { Surviving Trustees, or Trustee,  
C. D., } (as the case may be.)

**REMARKS.** A Trustee who refuses to serve when elected, forfeits the sum of one pound five shillings, but having accepted office, if he shall at any time refuse or neglect to perform the duties of that office he shall forfeit the sum of five pounds, recoverable for the purposes of the School Section; but a Trustee cannot be re-elected without his own consent. (See 8th section of the Act;) The mode of proceeding at a meeting called as above is the same as at an ordinary Annual School Section Meeting, and is prescribed in the 6th section of the Act.

**SECTION 6. Form for Trustees calling SPECIAL Meetings.**

**SPECIAL SCHOOL NOTICE.**

Notice is hereby given to the Freeholders and Householdors of School Section No. —, in the Township of —, that a Public Meeting will be held at —, on the — day of — at the hour of — of the clock in — for the purpose [Here state the object or objects of the meeting.]

Dated this — day of —  
—, 18—

A. B. }  
C. D. } Trustees.  
E. F. }

**REMARKS.** It belongs to the office of Trustees to estimate and determine the amount of the Teacher's salary and all expenses connected with the school; but it appertains to the majority of the Freeholders and Householdors of each School Section, at a public meeting called for the purpose, to decide as to the manner in which such expenses shall be provided for, whether by voluntary subscription, by rate-bill on parents or guardians sending children to the school, or by rate on all the Freeholders and Householdors of the School Section according to property. But should not a sufficient sum be thus provided to meet the expenses incurred for School purposes, the Trustees are authorized by the latter part of the 7th clause of the 12th section, to provide the balance in such manner as they may think proper. But for all the money received and expended by them, the Trustees must account annually to their constituents as prescribed in the 1<sup>st</sup> clause of the 12th section. Besides calling Annual School Section Meetings, Trustees are authorized to call Special Meetings to consider the site and erection of a school-house, the mode of raising a teacher's salary, or for any school purpose whatever. The object or objects of each school meeting should be invariably stated in the notices calling it; and the notices calling any school meeting, should in all cases be put up six days before holding such meeting. One form is sufficient for calling a special school section meeting of any kind.

**SECTION 7. Form of Agreement between Trustees and Teacher.**

We, the undersigned, Trustees of School Section, No.—, in the Township of —, by virtue of the authority vested in us by the 5th clause of the 12th section of the School Act, 13th and 14th Vict., chap. 48, have chosen (Here insert the Teacher's name) who holds a certificate of qualification, to be a Teacher in said School Section; and We do hereby contract with and employ him, at the rate of (here insert the sum in words, in currency,) per annum, from and after the day hereof; and we further bind and oblige ourselves, and our successors in office, faithfully to employ the powers with which we are legally invested by the said section of said Act, to collect and pay the said Teacher, during the continuance of this agreement,

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the sum for which we hereby become bound—the said sum to be paid to the said Teacher [quarterly, &c., as the case may be,] And the said Teacher hereby contracts and binds himself to teach and conduct the School, in said School Section, according to the regulations provided for by the said School Act. This agreement to continue [here insert the period of agreement] from the date thereof.

Dated this — day of —, 18—.

(Witness)

O. K.

A. B. }  
C. D. } Trustees.  
E. F. }  
G. H., Teacher.

REMARKS. This agreement should be signed by, at least, two of the Trustees, and the Teacher, and should be entered in the Trustees' book, and a copy of it given to the Teacher. The Trustees being a Corporation, their agreement with their Teacher is binding on their Successors in office; and should they refuse or wilfully neglect to exercise the corporate powers vested on them, they would be personally liable for the amount due a Teacher—see 16th clause of the 12th Section. As to the mode of settling disputes between Trustees and a Teacher, see the 17th Section. And, on the other hand, the Teacher is equally bound to faithfulness in the performance of his duties according to law. See section 16; and clause 8, of section 31.

#### SECTION 8. Form of Warrant for the Collection of School Fees.

WE, the undersigned, Trustees of School Section, No. —, in the Township of — in the County of —, by virtue of the authority vested in us by the 8th clause of the 12th sect. of the Act, 13th and 14th Vict., chap. 48, hereby authorize and require you (here insert the name and residence of the person appointed to collect the Rate Bill,) after ten days from the date hereof, to collect from the several individuals in the annexed Rate Bill, for the period therein mentioned, the sum of money opposite their respective names, and to pay, within thirty days from the date hereof, the amount so collected, after retaining your own fees, to the Secretary-Treasurer, whose discharge shall be your acquittance for the sum so paid. And in default of payment on demand by any person so rated, you are hereby authorized and required to levy the amount by distress and sale of the goods and chattels of the person or persons making default.

Given under our hands this —  
day of —, 18—.

A. B. }  
C. D. } Trustees.  
E. F. }

To the Collector of the School Section No. —, Township of —

Form of Rate Bill, as authorized by the second and eighth clauses of the 12th section of the Act—to be annexed to the foregoing Warrant.

RATE BILL of persons liable for School Fees, in School Section, No.—, in the Township of —, for the [Month or Quarter, &c.] commencing the — day of —, and ending the — day of —, 18—.

| NAMES<br>of<br>PARENTS<br>OF<br>GUARDIANS. | Number of<br>Children<br>attending School | Amount of<br>Rate Bill<br>per [month<br>or quarter,]<br>&c., for<br>Tuition. |    |    | Amount of<br>Rate Bill<br>per [month<br>or quarter,]<br>for Fuel,<br>Rent, &c. |    |    | Amount of<br>Collector's<br>Fees, at<br>five per<br>cent. |    |    | Total<br>amount of<br>Rate Bill<br>for the<br>[month or<br>quarter,<br>&c.] |    |    |
|--------------------------------------------|-------------------------------------------|------------------------------------------------------------------------------|----|----|--------------------------------------------------------------------------------|----|----|-----------------------------------------------------------|----|----|-----------------------------------------------------------------------------|----|----|
|                                            |                                           | £.                                                                           | s. | D. | £.                                                                             | s. | D. | £.                                                        | s. | D. | £.                                                                          | s. | D. |
|                                            |                                           |                                                                              |    |    |                                                                                |    |    |                                                           |    |    |                                                                             |    |    |

Given under our hands, this —  
day of —, 18.

A. B. }  
W. D. } Trustees.  
E. F. }

**SECTION 9. Form of Receipt to be given by the Collector, on receiving the amount named in the Rate Bill.**

RECEIVED from [here insert the person's name,] the sum of [here write the sum in words,] being the amount of his [or her] Rate Bill, for the [Month or Quarter, &c.,] ending on the — day of — 18—.

A. B., Collector.

Dated this — day of — 18—.

**EXPLANATORY REMARKS on the Imposition and Collection of Rate Bills, &c.—**

1. The Collector should take a Receipt from the Secretary-treasurer, for all moneys paid him. The Secretary-treasurer should also take a Receipt from the Teacher for all moneys paid him. The taking and giving receipts for money paid and received will prevent errors and misunderstandings.

2. The Trustees can raise the School fees by voluntary subscriptions, if they please. They can also appoint the School Teacher to act as Collector, if he chooses to accept of the appointment, and to give the required security. The Trustees can also, if they judge it expedient, impose any Rate Bill which they may think necessary for renting, and repairing and furnishing a School-house, or for the Teacher's salary, upon the inhabitants of their School Section, or they can apply to the Municipality of their Township to impose and collect such rate for those purposes.

3. As the School Accounts of each year must be kept separate by the Chief Superintendent of Schools, so must the Rate Bills. The Rate Bills and the Warrants can be made out for a month, or for one or more Quarters of a year, at the same time, as the Trustees may think expedient.

4. Those' parents and guardians who pay the Rate Bills to the Secretary-treasurer, or Collector, *within ten days* from the date of such Rate Bill, and without being called upon for it, will be exempt from paying the Collector's Fees.

5. The Collector, by virtue of the Warrant from the Trustees, can enforce payment of the Rate Bill by distress and the sale of goods, from any person who resides, or has goods and chattels within the limits of the School Section. For the mode of proceeding by the Trustees in case of persons rated, who may not at the time of collecting the Rate Bill reside or have goods and chattels within the limits of the School Section, see *eleventh* division of the 13th Section of the Act.

6. The Trustees should make the apportionment for Fuel *in money*, as one item in the Rate Bill, and then exercise their own discretion as to whether the item for fuel should be paid in money or wood—fixing the price per cord, to be allowed for the wood, describing the kind of wood, and the manner in which it should be prepared for the School. In case any person should fail to pay the amount of his wood-bill, in the manner and at the time prescribed by the Trustees, the payment should, of course, be enforced in the same manner as that of the School Teacher's wages, and the amount, thus collected, paid for the purchase of wood.

**SECTION 10. Form of Trustees' Order upon the Local Superintendent.**

To the Local Superintendent of Schools for the Township or County of —.

PAY to [here insert the Teacher's name] or Order, out of the School Fund apportioned to School Section, No.—, in the Township of —, the sum of [here write the sum in words]

Dated this — day of —, 18—.

A. B.,  
C. D., } Trustees.  
E. F., }

**REMARKS.** No part of the School Fund is allowed to be paid for any other purpose than for the salary of the Teacher; and the Local Superintendent is not authorized to give a cheque upon the County Treasurer or Sub-treasurer to pay the School Fund moiety of a Teacher's salary to *any other* than the Teacher interested, or to some person authorized by the Teacher to receive it.

SECTION 11. *Form of Deed for the Site of the Common School House, Teacher's Residence, &c.*

**This Indenture**, made the \_\_\_\_\_ day of \_\_\_\_\_, in the year of our Lord one thousand eight hundred and \_\_\_\_\_, in pursuance of the Act to facilitate the conveyance of Real Property, between \_\_\_\_\_, of the Township [*Village, Town or City*] of \_\_\_\_\_, in the County of \_\_\_\_\_, and Province of Canada, of the first part, and the Trustees of School Section Number \_\_\_\_\_, in the Township of \_\_\_\_\_, in the County of \_\_\_\_\_, and Province aforesaid, of the second part,

**Witnesseth**, that in consideration of \_\_\_\_\_, of lawful money of Canada, now paid by the Trustees of the School Section aforesaid to the said party of the first part, who hereby grants unto the Trustees of the School Section aforesaid, their Successors and Assigns for ever, all that Parcel of Land, &c.

**IN TRUST** for the use of a Common School, in and for School Section Number \_\_\_\_\_, in the Township of \_\_\_\_\_, and in the County and Province aforesaid.

**THE said \_\_\_\_\_ COVENANTS** with the Trustees of the School Section aforesaid, that he hath the right to convey the said Lands to the Trustees of the School Section aforesaid. And that the Trustees of the School Section aforesaid shall have quiet possession of the said lands: **FREE FROM INCUMBRANCES.** And the said \_\_\_\_\_ COVENANTS with the Trustees of the School Section aforesaid, that he will execute such further assurances of the said Lands as may be requisite.

**In witness whereof**, the said parties hereto have hereunto set their hands and seals in the day and year before mentioned.

J. D. (seal.)  
F. H. (seal.)  
S. M. (seal.) } Trustees.  
I. B. (seal.) }

Signed, Sealed and Delivered in presence of

J. G. } Witnesses.  
F. R. }

**REMARKS. 1.** If the Grantor be a married man, his wife's name must be inserted in the Deed, and this phrase added after the word "requisite:" And \_\_\_\_\_, wife of the said \_\_\_\_\_, hereby bars her dower in the said Lands.

**2.** When, however, the land has descended to the wife in her own right, she must, besides joining with her husband in the Conveyance, appear before two Justices of the Peace, to declare that she has parted with her estate in the land intended to be conveyed without any coercion or fear thereof by or on the part of her husband; and the Certificate of such Justices must appear on the back of the Conveyance the day of its execution. The form of the Certificate is as follows:—"We the undersigned Justices of the Peace for \_\_\_\_\_, do hereby certify that on this \_\_\_\_\_ day of \_\_\_\_\_, 18\_\_\_\_, at \_\_\_\_\_, the within Deed was duly executed in the presence of \_\_\_\_\_, by \_\_\_\_\_, wife of \_\_\_\_\_, one of the Grantors therein named; and that the said \_\_\_\_\_, at the said time and place, being examined by us, apart from her husband, did appear to give her consent to depart with her estate in the lands mentioned in the said Deed, freely and voluntarily, and without coercion or fear of coercion on the part of her husband, or any other person or persons whatsoever."

"R. W\_\_\_\_, J. P."  
"A. M\_\_\_\_, J. P."



2. If the Deed be for the Site of a School-house in a City, Town or Incorporated Village, the words, Board of School Trustees for such City, Town or Village should be inserted instead of the words "Trustees of School Section Number—", &c., in the foregoing form. (See the 24th and 26th Sections of the Act.)

**SECTION 12. Form of the Annual Report of School Trustees to the Local Superintendent of Schools.**

*Note.* A copy of a blank form of the Annual School Report to be filled up and forwarded to the Local Superintendent before the 15th of January in each year, will be furnished to each set of Trustees. For the items of information to be included in the Report, see the 19th clause of the 12th Section of the Common School Act, 13th and 14th Vict., chap. 48.

According to the *thirteenth section* of the Act, any Trustee wilfully signing a false report, will render himself liable to a severe penalty; and also, according to the *thirteenth clause of the twelfth section*, in the event of his refusing or wilfully neglecting, at any time, to perform his duty.

N. B. Remarks on the *Duties of Trustees* will be found in the *General Regulations*, chapter VI, section 2. The list of School Books, Maps, &c., authorized by the Council of Public Instruction for Upper Canada, with their prices annexed, will be found on page 63.

It is to be observed, that, according to the *fifteenth clause of the twelfth section*, it is the duty of each Corporation of Trustees to *procure annually*, "for the benefit of" their School Section, *some periodical devoted to Education*." The price of such a periodical is, of course, to be charged by the Trustees to the contingent expenses of their School Section, and included in the School Rate.

## CHAPTER II.

### FORMS FOR TEACHERS OF COMMON SCHOOLS.

**SECTION 1. Form of a Teacher's Receipt.**

**1. Form of a Receipt to Parents or Guardians on the payment of their Rate Bill.**

RECEIVED from [here write the name of the Pupil or person paying] the sum of [here write the sum in words] currency, in payment of the Rate Bill due from [here write the name of the person in whose behalf payment is made] to School Section No.—, in the Township of —, for the [month or quarter] ending the — day of —, 18—.

Dated this — day of —, 18—.

A. B., Teacher.

**REMARKS.** When the payment of the Rate Bill is made by the Parent or Guardian concerned, the receipt should state it accordingly.

The payment of the Rate Bill to the Teacher, within the time which may be prescribed by the Trustees, will exempt the person thus paying it from the payment of the Collector's fees. The Teacher should, of course, apprise the Collector of all payments made to him, so that the Collector may not be at the trouble of calling upon such persons; and should the Teacher not inform the Collector of such payments within the time prescribed by the Trustees, he should be liable to pay the Collector the usual Fees for the unnecessary trouble imposed upon him by such Teacher's neglect.

**2. Form of a Receipt to Trustees.**

RECEIVED from the Trustees of School Section No. —, in the Township of —, the sum of [here write the sum in words] currency, in payment of my salary in part [or in full] for the [month or quarter,] ending the — day of —, 18—.

A. B., Teacher.

**SECTION 2. Form of Teacher's Circular Notice of the Quarterly Examination of his School.**

School Section No. —  
—, 18—.

SIR,—In conformity with the 3rd clause of the 16th Section of the Common School Act, 13th and 14th Vict., Chapter 48, the Quarterly Examination of the School Section No. —, will be held on — day, the — of —, when the pupils of this School will be publicly examined in the several subjects which they have been taught during the quarter now closing. The Exercises will commence at 9 o'clock, A. M., and you are respectfully requested to attend them.

I am, Sir, your obedient Servant,

To C. D., School Trustee, or Visitor.

A. B., Teacher.

REMARKS. A copy of the above Notice ought to be sent to each of the Trustees, and to as many Visitors of the School Section as possible. Clergymen are School Visitors of any Township in which they have pastoral charge; all Judges, Members of the Legislature, Members of the County Council and Justices of the Peace, are School Visitors of the Township in which they reside. The Teacher should address a circular notice to those of them who reside within two or three miles of his School; he is, also, required to give notice, through his pupils, to their Parents and Guardians and to the neighbourhood, of the Examination.

For Holidays and Vacations, see *General Regulations*, Chapter VI, Section 1. For Remarks on the *Duties of Teachers*, see the same Chapter, Section 3, pages 57 and 58.

**SECTION 3. Form of a Teacher's School Register.**

[A Blank Form will be prepared.]

NOTE. As the first clause of the thirty-first Section of the Act contemplates the distribution of the School money to the several sections of a Township according to the attendance of pupils at School, and not according to School population, the Teacher who fails to keep a full and accurate account of the attendance of pupils at his school, lessens the resources of the School Section. No Teacher is entitled to his salary who neglects to keep a full and accurate School register. On the other hand, according to the thirteenth Section of the Act, any Teacher who shall keep a false School Register, or make a false School return, will render himself liable to a severe penalty.

N.B. The order of the Trustees delivered to a Local Superintendent will be the Superintendent's authority and receipt for the cheque upon the County or Sub-Treasurer, and that cheque will be the Treasurer's receipt for the amount specified on the face of it.

**CHAPTER III.**

**FORMS FOR TOWNSHIP COUNCILS.**

**SECTION 1. Form of Notice to be given by the Township Clerk to the person designated by the Municipal Authority to appoint the time and place of the first School Section Meeting.**

TOWNSHIP CLERK'S OFFICE,  
—, 18—.

SIR,—I have the honour to inform you, that in conformity with the 3rd clause of the 18th section of the Common School Act, 13th and 14th Vict., Chap. 48, the Municipal Council of this Township has authorized and required you, within twenty days after receiving this notice, to appoint the time and place of holding the first School Meeting for the election of three Trustees for School Section No. —, which School Section is bounded and may be known as follows: [Here insert the description of it.] Copies of

your Notice are to be posted, in at least three public places in the School Section above described, at least six days before the time of holding such meeting.

I am, Sir,

Your obedient Servant,  
A. B., Township Clerk.

**REMARKS.** In notifying the formation of several School Sections, or the formation of parts of Sections, the phraseology of the notices should be varied, at the discretion of the Township Clerk, and in accordance with the proceedings and directions of the Council.

The Notices of School Assessments, and Assessments for the erection and furnishing of School-houses, for the purchasing of School Sites, &c., may be given in such a manner as the Council shall direct.

For Form of Deed for a School Site, &c., see Chapter I, Section 12.

**SECTION 2. Form of intimating to Trustees the alteration of their School Section.**

**TOWNSHIP CLERK'S OFFICE,**

18—.

SIR,—In conformity with the 4th clause of the 13th section of the Common School Act, 13th and 14th Vict. chap. 48, I have to acquaint you that the Municipal Council of this Township has altered the School Section of which you are Trustee, in the following manner: [*Here insert the changes which have been made, and the description of the new School Section.*] These changes will go into effect from and after the twenty-fifth day of next December, according to the 4th clause of the 18th Section of the Act.

You will please communicate this notice to the other Trustees of your School Section.

I am, Sir,

Your obedient Servant,  
A. B., Township Clerk.

To D. E.,

Trustee of School Section No.—, Township of ———.

**REMARK.** In giving notice of the formation of Union School Sections, see the remarks at the end of the following section 3.

**SECTION 3. Form of intimating to the Local Superintendent of Schools the alteration of a School Section.**

**TOWNSHIP CLERK'S OFFICE,**

18—.

SIR,—In conformity with the 4th clause of the 18th Section of the Common School Act, 13th and 14th Vict. Chap. 48, I have to acquaint you that the Municipal Council of this Township has altered School Section, No.—, in the following manner: [*Here insert the changes which have been made, and the description of the new School Section.*] These changes go into effect from and after the twenty-fifth day of next December, according to the 4th clause of the 18th Section of the Act.

I am, Sir,

Your obedient Servant,  
A. B., Township Clerk.

The Local Superintendent of Schools  
for the County or Township of ———.

**N. B.** When the Union School Section is formed or altered, as authorized by the 5th proviso of the 4th clause of the 18th Section, the Clerk of the Township in which the School-house of such Union Section is situated, should communicate the requisite notices to the parties concerned. See 6th proviso of the 4th clause of the 18th Section, compared with the 4th Section of the Act.

## CHAPTER IV.

## FORMS AND INSTRUCTIONS FOR COUNCILS AND TRUSTEES IN CITIES, TOWNS, AND INCORPORATED VILLAGES.

1. The *forty-seventh and twenty-fifth* sections of the Act require the Mayors of Cities and Towns and the Town Reeves of Incorporated Villages to call the first School Meetings in their respective Municipalities for the election of Trustees. The sections of the Act referred to are so explicit as to the manner in which such notices should be given, that it would be superfluous to insert any form for them in this place.

2. According to the *twenty-sixth* section and the *ninth clause* of the *twenty-fourth* section, the *annual and special* meetings for the election of Trustees, and for any other school purpose, are to be called by the Board of School Trustees of each City, Town, or Incorporated Village. The notices in every such case should be signed, in behalf of the Board of Trustees, by the *Chairman or Secretary*,—should be given to the *taxable inhabitants* of the city, town, ward, or village concerned, and should specify the object of the meeting called. With these remarks, the forms for calling annual and special school meetings in townships by School Trustees, given in the *first chapter* of these Forms and Instructions, will afford a sufficient directory to Trustees in Cities, Towns and incorporated Villages for calling similar meetings. The same reference may be made in respect to the forms of School Rate-bills and agreements with Teachers, as far as it may be thought expedient to adopt them.

3. School Trustees of Cities, Towns and Incorporated Villages, will also adopt such forms as they may think proper, in laying, from time to time, before their respective Councils estimates of the sums required by them for Common School purposes; likewise in preparing for publication the annual reports of their proceedings, as required by the *eleventh clause* of the *twenty-fourth* section. To facilitate the performance of the duty required by the latter part of the same clause, a *blank annual report* will be prepared and transmitted to the Board of Trustees in each City, Town and incorporated Village. This remark does not, of course, apply to incorporated Villages the current year (1850,) until the end of which their present School Section divisions and Trustees remain unchanged, and will report as heretofore by filling up the blank reports provided for them.

4. The School Registers and Visitors' books kept in each Common School of any City, Town, or incorporated Village, are the same as those required to be kept in each Common School of a township; respecting which, see remarks in chapter I of these Forms and Instructions.

## CHAPTER V.

FORMS AND INSTRUCTIONS FOR COUNTY COUNCILS,  
COUNTY BOARDS OF PUBLIC INSTRUCTION, AND LOCAL  
SUPERINTENDENTS OF SCHOOLS.

1. *The Duties of County Councils*, or the Councils of Unions of Counties, (see 48th section) are so clearly stated in the several clauses of the *twenty-seventh* Section of the Act, that it is needless to make any explanatory remarks in reference to them; nor is it necessary to furnish any forms for bonds of security required of County Treasurers or Sub-Treasurers of School moneys, or forms of notices required of each County Clerk to each Local Superintendent of his appointment and of the amount of money apportioned to the Township or Townships of his charge, and to the Chief Superintendent of the name and post-office address of the County Treasurer and of each Local Superintendent of Schools in the County, and also transmitting to the Chief Superintendent a copy of all the proceedings of the County Council on School matters, and an abstract of the auditors' annual report to the Council.

The Treasurer of each County, City or Town (see section 42) should either apply personally, or appoint some person at the Seat of Government, to apply and receive the Legislative School Grant apportioned to such County, City or Town. The proper form of a Power of Attorney for that purpose must be familiar to every officer concerned; also that each such Power of Attorney must be witnessed, signed, and forwarded in duplicate.

2. *On the fidelity and ability with which County Boards of Public Instruction* fulfil the functions assigned to them in the 29th section of the Act, depend the character and efficiency of the Schools as affected by the character and qualifications of the Teachers. Much has been said about incompetent Trustees and their employment of incompetent Teachers; but Trustees cannot employ *such* Teachers by means of the *School Fund*, unless *such* Teachers are *licensed* to teach. It therefore remains with the County Boards (chiefly with the Local Superintendents) to say whether a penny of the School Fund shall be misapplied in payment of any intemperate, immoral, or incompetent Teacher. In giving certificates of qualification, County Boards should not, therefore, regard individual applicants, but the interests of youth, the destinies of the rising and future generations of the country. As the *fifteenth* Section of the Act recognizes the validity of Local Superintendents' certificates of qualifications until the expiration of the current year (1850,) the functions of County Boards in this respect will hardly commence until the year 1851, before which time a Programme of Examination and Instructions, as

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authorized by the *twenty-ninth* Section of the Act, will be provided, according to which the future examinations and classification of Teachers will be conducted and determined.

3. *No Local Superintendent* will need a *form* for notifying the Trustees of each School Section within his jurisdiction of the amount of the School Fund apportioned to such Section for any one year; or of a *form* of cheque upon the County Treasurer or Sub-Treasurer for school moneys in behalf of legally qualified Teachers. No explanation can make the important duties of each Local Superintendent plainer than the several clauses of the *thirty-first* Section of the Act; and the form of conducting the correspondence which the duties of his office requires, is left to his own judgment. The Chief Superintendent of Schools will furnish each Local Superintendent with a *blank annual report* for himself and for the Trustees of each School Section within his charge.

#### MISCELLANEOUS REMARKS.

1. *Appeals to the Chief Superintendent of Schools, &c.*—All parties concerned in the operation of the Common School Act have the right of appeal to the Chief Superintendent of Schools; and he is authorised to decide on such questions as are not otherwise provided for by law. But for the ends of justice—to prevent delay, and to save expense, it will be necessary for any party thus appealing to the Chief Superintendent: 1. To furnish the party against whom they may appeal, with a correct copy of their communication to the Chief Superintendent, in order that the opposite party may have an opportunity of transmitting, also, any explanation or answer that such party may judge expedient. 2. To state expressly, in the appeal to the Chief Superintendent, that the opposite party has thus been ruled of it. It must not be supposed that the Chief Superintendent will decide, or form an opinion, on any point affecting different parties, without hearing both sides—whatever delay may at any time be occasioned in order to secure such a hearing.

2. The foregoing directions do not, of course, refer to communications asking for advice on doubtful points, or prudential measures of a local or general character.

3. *Communications generally.*—The parties concerned are left to their own discretion as to the forms of all communications, relating to Common Schools, for which specific Forms are not furnished in the foregoing pages.

4. All communications with the Government, relating to Schools conducted under the authority of the Common School Act, 13th and 14th Victoria, Chapter 48, should be made through the Education Office, Toronto.

5. Communications with the Government, not so made, are referred back to the Education Office, to be brought before His Excellency through the proper Department—which occasions unnecessary delay and expense.

## CHAPTER VI.

### GENERAL REGULATIONS FOR THE ORGANIZATION, GOVERNMENT AND DISCIPLINE OF COMMON SCHOOLS IN UPPER CANADA;

*Adopted after mature consideration, by the Council of Public Instruction, as authorised by the Act, 13th and 14th Victoria, Chapter 48, Section 38.*

#### SECTION 1. *Hours of Daily Teaching, Holidays and Vacations.*

1. The hours of teaching each day shall not exceed six, exclusive of all the time allowed at noon for recreation. Nevertheless, a less number of hours for daily teaching may be determined upon in any school, at the option of the Trustees.

2. Every alternate Saturday shall be a holiday in each school.
3. There shall be three vacations during each year; the first, eight days, at Easter; the second, the first two weeks in August; the third, eight days, at Christmas.
4. All agreements between Trustees and Teachers shall be subject to the foregoing regulations; and no Teacher shall be deprived of any part of his salary on account of observing allowed Holidays and Vacations.

#### SECTION 2. Duties of Trustees.

1. The full and explicit manner in which the duties of Trustees are enumerated and stated in the several clauses of the twelfth section of the Act, renders it unnecessary to do more, in this place, than make some expository remarks on the nature of the general duties of Trustees, and the relations subsisting between them and the Teachers whom they employ. The law invests Trustees with most important functions; they are a corporation, and as such, the ownership and control of the School site, School-house, and all the property attached thereto, is vested in them; they are to provide and furnish the School-house and premises, and apparatus and text-books for the School; and they alone have authority to employ the Teacher. Their duties are, therefore, of the greatest importance, and they should be well understood.

2. While the Trustees employ the Teacher—agree with him as to the period during which he shall teach, and the amount of his remuneration—the *mode of teaching* is at the option of the Teacher: and the Local Superintendent and Visitors alone have a right to advise him on the subject. The Teacher is not a mere machine, and no Trustee or parent should attempt to reduce him to that position. His character and his interest alike prompt him to make his instructions as efficient and popular as possible; and if he does not give satisfaction, he can be dismissed according to the terms of his agreement with his employers. To interfere with him, and deprive him of his discretion as a Teacher, and then to dismiss him for inefficiency, which is the natural and usual result, is to inflict upon him a double wrong, and frequently injures the pupils themselves, and all parties concerned. It should then be distinctly understood, as essential to the Teacher's character, position and success, that he judge for himself as to the mode of teaching in his school, including, of course, the classification of pupils, as well as the manner of instructing them. It is, nevertheless, the duty of the Trustees to see that the school is conducted according to the regulations authorized by law.

3. It is therefore important that Trustees should select a competent Teacher. *The best Teacher is always the cheapest.* He teaches most,

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and inculcates the best habits of learning and mental development, in a given time; and time and proper habits are worth more than money, both to pupils and their parents. Trustees who pay a Teacher fairly and punctually, and treat him properly, will seldom want a good Teacher. To employ an incompetent person, because he offers his incompetent services for a small sum, is a waste of money, and a mockery and injury of the youth of the neighbourhood. We entirely concur with the *National Board of Education in Ireland*, in the following estimate of the qualities of a good Teacher:—

"A Teacher should be a person of Christian sentiment, of calm temper, and discretion; he should be imbued with the spirit of peace, of obedience to the law, and of loyalty to his Sovereign; he should not only possess the art of communicating knowledge, but be capable of moulding the mind of youth, and of giving to the power, which education confers, a useful direction. These are the qualities for which Patrons [or Trustees] of Schools, when making choice of a Teacher, should anxiously look."

4. Trustees will always find it the best economy to have a commodious School-house, kept comfortable, and properly furnished. It is as difficult for pupils to learn, as it is for the master to teach, in an unfurnished and comfortless school-house.

5. In the selection of Books to be used in the school, from the general list authorized according to law, the Trustees should see that but one series of Reading books, one Arithmetic, or one for the beginners and another for the more advanced pupils, one Geography, &c. should be used in any one school, in order that the scholars may be classified in the several branches which they are studying. Heterogeneous school books (however good each book may be in itself) render classification impossible, increase the labour and waste the time of the Teacher, and retard the progress of the pupils. But the Teacher and pupils labour at the greatest disadvantage, when they are compelled to use books which are as various as the scholars' names.

### SECTION 3.—Duties of Teachers.

The sixteenth section of the School Act prescribes, in explicit and comprehensive terms, the duties of Teachers; and no Teacher can legally claim his salary who disregards the requirements of the law. Among other things, the Act requires each Teacher to "maintain proper order and discipline in his school, according to the forms and regulations which shall be provided according to law." The law makes it the duty of the *Chief Superintendent of Schools* to provide the forms; and the *Council of Public Instruction* prescribe the following regulations for the guidance of Teachers in the conduct and discipline of their schools.

It shall be the duty of each Teacher of a Common School;—

1. To receive courteously the Visitors appointed by law, and to afford them every facility for inspecting the books used, and to examine into



the state of the school ; to have the Visitors' book open, that the Visitors may, if they choose, enter remarks in it. The frequency of visits to the school by intelligent persons, animates the pupils, and greatly aids the faithful Teacher.

2. To keep the Registers accurately and neatly, according to the prescribed forms ; which is the more important under the present School Act, as the 31st section of it authorizes the distribution of the local school fund according to the average attendance of pupils attending each school.

3. To classify the children according to the books used ; to study those books himself ; and to teach according to the improved method recommended in their prefaces.

4. To observe himself, and to impress upon the minds of the pupils, the great rule of regularity and order,—A TIME AND A PLACE FOR EVERYTHING, AND EVERYTHING IN ITS PROPER TIME AND PLACE.

5. To promote, both by precept and example, CLEANLINESS, NEATNESS, and DECENCY. To effect this, the Teacher should set an example of cleanliness and neatness in his own person, and in the state and general appearance of the school. He should also satisfy himself, by personal inspection every morning, that the children have had their hands and faces washed, their hair combed, and clothes cleaned and, when necessary, mended. The school apartments, too, should be swept and dusted every evening.

6. To pay the strictest attention to the morals and general conduct of his pupils, and to omit no opportunity of inculcating the principles of TRUTH AND HONESTY ; the duties of respect to superiors, and obedience to all persons placed in authority over them.

7. To evince a regard for the improvement and general welfare of his pupils, to treat them with kindness combined with firmness ; and to aim at governing them by their affections and reason, rather than by harshness and severity.

8. To cultivate kindly and affectionate feelings among his pupils ; to discountenance quarrelling, cruelty to animals, and every approach to vice.

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#### Section 4.—Duties of Visitors.

1. The *thirty-second* section of the Act provides that all Clergymen recognized by law of whatever denomination, Judges, Members of the Legislature, Magistrates, Members of County Councils, and Aldermen, shall be School Visitors ; and the *thirty-third* section of the Act prescribes their lawful duties.

2. The parties thus authorized to act as Visitors, have it in their power to exert an immense influence in elevating the character and

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promoting the efficiency of the schools, by identifying themselves with them, by visiting them, encouraging the pupils, aiding and counselling Teachers, and impressing upon parents their interests and duties in the education of their offspring. In visiting schools, however, Visitors should, in no instance, speak disparagingly of the instructions or management of the Teacher in the presence of the pupils; but if they think it necessary to give any advice to the Teacher, they should do it privately. They are also desired to communicate to the local or Chief Superintendent any thing which they shall think important to the interests of any school visited by them. The law recommends Visitors, "*especially to attend the Quarterly Examinations of the Schools.*" It is hoped that all Visitors will feel it both a duty and a privilege to aid, on such occasions, by their presence and influence. While it is competent to a Visitor to engage in any exercises which shall not be objected to by the authorities of the school, it is expected that no Visitor will introduce, on any such occasion, any thing calculated to wound or give offence to the feelings of any class of his fellow Christians.

3. The local Superintendents are School Visitors, by virtue of their office, and their comprehensive duties, as such, are stated with sufficient minuteness in the 3rd clause of the 31st section of the School Act. While each local Superintendent makes the careful inquiries and examinations required by law, and gives privately to the Teacher and Trustees such advice as he may deem expedient, and such counsel and encouragement to the Pupils, as circumstances may suggest, he will exhibit a courteous and conciliatory conduct towards all persons with whom he is to communicate, and pursue such a line of conduct as will tend to uphold the just influence and authority, both of Trustees and Teachers.

4. Too strong a recommendation cannot be given to the establishment of Circulating Libraries in the various Townships, and School Sections. A Township Association, with an auxiliary in each School Section, might, by means of a comparatively small sum, supply popular and useful reading for the young people of a whole Township. It is submitted to the serious attention of all School Visitors, as well as Trustees, and other friends of the diffusion of useful knowledge.

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SECTION 5. *Constitution and Government of Schools in respect to Religious and Moral Instruction.*

As Christianity is the basis of our whole system of Elementary Education, that principle should pervade it throughout. Where it cannot be carried out in mixed Schools to the satisfaction of both Roman Catholics and Protestants, the law provides for the establishment of separate School. And the Common School Act, fourteenth section, securing individual rights as well as recognizing Christianity, provides, "That in any Model or Common School established under this Act, no child shall be required

to read or study in or from any religious book, or to join in any exercise of devotion or religion, which shall be objected to by his or her parents or guardians: Provided always, that within this limitation, pupils shall be allowed to receive such religious instruction as their parents or guardians shall desire, according to the general regulations which shall be provided according to law."

In the section of the Act thus quoted, the principle of religious instruction in the schools is recognized, the restriction within which it is to be given is stated, and the exclusive right of each parent and guardian on the subject is secured, without any interposition from Trustees, Superintendents, or the Government itself.

The Common School being a *day*, and not a *boarding* school, rules arising from domestic relations and duties are not required; and as the pupils are under the care of their parents and guardians on Sabbaths, no regulations are called for in respect to their attendance at public worship.

In regard to the nature and extent of the daily religious exercises of the School, and the special religious instruction given to pupils, the COUNCIL OF PUBLIC INSTRUCTION FOR UPPER CANADA makes the following Regulations and Recommendations :—

1. The public religious exercises of each school shall be a matter of mutual voluntary arrangement between the Trustees and Teacher; and it shall be a matter of mutual voluntary arrangement between the Teacher and the parent or guardian of each pupil, as to whether he shall hear such pupil recite from the Scriptures, or Catechism, or other summary of religious doctrine and duty of the persuasion of such parent or guardian. Such recitations, however, are not to interfere with the regular exercises of the school.

2. But the principles of religion and morality should be inculcated upon all the pupils of the school. What the Commissioners of National Education in Ireland state as existing in schools under their charge, should characterize the instruction given in each school in Upper Canada. The Commissioners state that "in the National Schools the importance of religion is constantly impressed upon the minds of children, through the works calculated to promote good principles and fill the heart with love for religion, but which are so compiled as not to clash with the doctrines of any particular class of Christians." In each school the Teacher should exert his best endeavours, both by example and precept, to impress upon the minds of all children and youth committed to his care and instruction, the principles of piety, justice, and a sacred regard to truth, love to their country, humanity and universal benevolence, sobriety, industry, frugality, chastity, moderation and temperance, and those other virtues which are the ornament of society and on which a free constitution of government is founded; and it is the duty of each Teacher to endeavour to lead his pupils, as their ages and capacities will admit, into a clear understanding of the tendency of the above mentioned virtues, in order to preserve and perfect the blessings of law and liberty, as well as to promote their future happiness, and also to point out to them the evil tendency of the opposite vices.

By Order of the Council of Public Instruction for Upper Canada.

J. GEORGE HODGINS,  
Recording Clerk.  
C. P. I.

EDUCATION OFFICE, TORONTO.  
Adopted the 5th day of August, 1850.

## LIST ON SCHOOL BOOKS.

"Published under the direction of the Commissioners of National Education in Ireland"—prepared by practical and experienced Masters—and recommended by the Council of Public Instruction for Upper Canada, to be used in Canadian Schools; together with the *maximum retail prices* at which those Books will be sold, by parties re-printing or importing them. (The Council of Public Instruction has also recommended *Lennie's English Grammar*, and sanctioned the use of *Kirkham's English Grammar* and *Morse's Geography*.)

|                                                        | CURRENCY. |
|--------------------------------------------------------|-----------|
| First Book of Lessons, .....                           | 0s 2d     |
| Second ditto .....                                     | 0 8       |
| Sequel to Second Book, .....                           | 1 0       |
| Third Book of Lessons, .....                           | 1 4       |
| Fourth ditto .....                                     | 1 8       |
| Fifth ditto (Boys') .....                              | 2 0       |
| Reading Book for Girls' School, .....                  | 2 0       |
| Introduction to the Art of Reading, .....              | 1 4       |
| Spelling Book Superseded, .....                        | 1 0       |
| English Grammar, .....                                 | 0 8       |
| Key to ditto, .....                                    | 0 4       |
| Epitome of Geographical Knowledge, .....               | 3 4       |
| Compendium of ditto, .....                             | 1 0       |
| Geography Generalized, by Professor SULLIVAN, .....    | 3 0       |
| Introduction to Geography and History, by ditto, ..... | 1 0       |
| First Arithmetic, .....                                | 0 8       |
| Key to ditto, .....                                    | 0 8       |
| Arithmetic, in Theory and Practice, .....              | 2 8       |
| Book-Keeping, .....                                    | 1 0       |
| Key to ditto .....                                     | 1 0       |
| Elements of Geometry, .....                            | 0 8       |
| Mensuration, .....                                     | 1 4       |
| Appendix to ditto, .....                               | 1 0       |
| Scripture Lessons, (O. T.) No. 1, .....                | 1 0       |
| Ditto (O. T.) No. 2, .....                             | 1 0       |
| Ditto (N. T.) No. 1, .....                             | 1 0       |
| Ditto (N. T.) No. 2, .....                             | 1 0       |
| Sacred Poetry, .....                                   | 0 8       |
| Lessons on the Truth of Christianity, .....            | 0 8       |
| Set Tablet Lessons, Arithmetic, .....                  | 2 4       |
| Ditto Spelling and Reading, .....                      | 1 4       |
| Ditto Copy Lines, .....                                | 2 0       |
| Map of the World, .....                                | 24 0      |
| " Ancient World, .....                                 | 18 0      |
| " Europe, .....                                        | 18 0      |
| " Asia, .....                                          | 18 0      |
| " Africa, .....                                        | 18 0      |
| " America, .....                                       | 18 0      |
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| " Scotland, .....                                      | 18 0      |
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| " Palestine, .....                                     | 18 0      |

## C I R C U L A R S

FROM THE CHIEF SUPERINTENDENT OF SCHOOLS TO  
THE VARIOUS MUNICIPAL AND OTHER OFFICERS CONCERNED IN  
THE ADMINISTRATION OF THE NEW COMMON SCHOOL ACT FOR  
UPPER CANADA.

[CIRCULAR.]

[OFFICIAL.]

*To the Wardens of Counties and Unions of Counties in Upper  
Canada, on the Duties of County Municipal Councils under the  
new Common School Act, 13th and 14th Vict. Chapter 48.*

EDUCATION OFFICE,  
Toronto, July 31st, 1850.

SIR,

I have the honour to transmit to you herewith, a copy of the new Common School Act for Upper Canada, which, having passed the Legislative Council and Assembly, received the Royal sanction and came into force on the 24th instant ; and I desire to direct the attention of the Council over which you have been chosen to preside, to the duties which will devolve upon it under the provisions of this Act.

Though the Act is new, the provisions of it are mere renewals of the provisions of the general School Act of 1846 and the City and Town School Act of 1847—combined into one Act, with a new and more simple arrangement, and such additional provisions as experience has suggested, and the progress of the schools and the new system of Municipal Councils seem to require. The duties of the County Councils under the new School Act are substantially the same as were those of the District Councils under the School Act of 1846, with this exception, that the County Council is relieved from the task of forming and altering school-sections, and of considering applications and levying assessments for the erection and repairs of school-houses.

Under our present system of Municipal Councils, a two-fold provision has been made to enable the people, through their local representatives, to meet together and manage their local affairs :

The one is by the meeting of the representatives of the several Townships collectively in County Councils; the other is by the meeting of the several representatives of a Township in such Township separately. It is the several Townships that act in the one case as well as in the other; but in the one case they act *collectively*, and in the other *separately*. Of course some diversity of opinion may naturally exist as to the precise parts of a school system which can be best managed by the Townships in their *collective* or *separate* representative capacity. After large consultation and much consideration, it has been decided that the Townships *separately* can best arrange the boundaries of school-sections and do what may be deemed expedient in providing school sites, and for erecting and repairing school houses and imposing other school-section assessments; but that the Townships can best consult *collectively* in regard to the selection of proper School Superintendents, and can best arrange for the more uniform, certain and punctual providing and payment of the local assessment moiety of the School Fund.

It will be seen by the first section of the new School Act, that all lawful proceedings and obligations of every description which have taken place under former school acts are confirmed until fulfilled or modified according to the provisions of this Act. The duties of the County Council are specified in the several clauses of the 27th section of the Act.

1. The *first and immediate* duty of the County Council will be *to cause to be levied upon the several Townships represented in the Council a sum or sums at least equal (clear of all charges of collection) to the sum or sums of money apportioned to them for the current year out of the Legislative School grant.* That apportionment I have notified to the Clerk of your Council, as required by the 35th section of the Act. If any of the Township Councils in your County have anticipated the apportionment of the Legislative grant, and have levied a sum or sums for the payment of the salaries of teachers equal to the amount of the legislative grant apportioned to such municipalities therein, then it will be unnecessary, in such cases, for the County Council to impose any further assessment. But in every case the County Council must see that the local assessment part of the School Fund is available to Teachers before the end of the second half-year—the Legislative grant part of it being payable at

the end of the first half-year. In the neighbouring state of New-York, this order of proceeding is reversed. The County assessment part of the School Fund must be *imposed and collected* and attested to the State Superintendent, *before* the State part of the Fund apportioned to any County can be paid. In my circular addressed to Wardens of Districts, and dated January 16th, 1848,\* I called the attention of Municipal Councils to the great injustice to Teachers, and injury to the efficiency of the school system, arising from the non-payment of the local assessment part of the School Fund at the end of the year. Several Councils provided forthwith for the future punctual payment of the amount of the local school assessment prescribed by law, on or before the fourteenth day of December of each year. What several Councils so promptly and advantageously did in the cases referred to, the new School Act requires to be done in every case.

2. *The securing, and mode of paying, the local School Fund is another subject which will engage the attention of the County Council.* The new School Act contemplates but one financial officer and his subordinates in each county. If the payment of the School moneys in each District by one financial officer (in the person of the District Superintendent of Schools) has, during the last few years, been attended with no inconvenience equal to the advantages of it, of course no greater inconvenience will be experienced by confining the payment of such moneys to the County Treasurer. But if the County Council deem it expedient, it can appoint any number of sub-Treasurers, even to the Treasurer of each Township as a sub-Treasurer, duly providing for uniformity of responsibility and obligation in the method and punctuality of payments of school-moneys. Under this system, local Superintendents will be under no temptation, at any time, from considerations of personal convenience, to withhold or delay the payment of school moneys; they will be relieved from keeping financial accounts, and from giving sureties as heretofore. The mode of accounting for the expenditure of school-moneys will be extremely simple and complete. No receipts need be given or taken. The order of the Trustees in behalf of a legally qualified Teacher will be the Local Superintendent's authority in each instance, for his cheque upon

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\* See Appendix to the Provincial School Report for 1847, page 81.

the County-Treasurer or Sub-Treasurer; and the Local Superintendent's cheque will in each instance be such Treasurer or Sub-Treasurer's receipt for the school-money paid out by him. The duty of the County Auditors will be plain and easy; and the school moneys will be best secured against every kind of misappropriation.

3. The next most important duty which the new School-Act devolves upon the County Council, is the *annual appointment of Local Superintendents of Schools*. I believe that it is generally agreed that it is not expedient or desirable to have *both* County and Township Superintendents; but as to which class of these local school officers should be provided, there is considerable diversity of opinion—some preferring a County Superintendent, others desiring Township Superintendents. The new School Act leaves the decision of this question to the choice of the Local Representatives of the people assembled in County Councils—each Council having authority to appoint a School Superintendent for each Township, or for two, three or four Townships, or for a County, provided it does not contain more than one hundred Schools. In some municipalities, where the duties of the office have been very imperfectly discharged, doubts are entertained by many persons as to the utility of the office at all; but this is not the case where the office is filled with ability, diligence and skill; and School Countries are unanimous in their judgment and practice as to the vast importance of an efficient local inspection and supervision of schools.\*

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\* The following remarks, from a late New-York School Report, deserves the deep attention of all Municipal Councils, School Trustees and other friends of popular education:

"The success of schools is based upon two things which are closely connected and mutually dependent on each other; viz. *the pre-eminent moral and intellectual qualifications of teachers, and the active and vigilant supervision of inspectors to render the methods of teaching more and more perfect*. If either of these be wanting, the whole fabric receives a shock from which it is unable to recover." The great and important object is to have good schools. To have none is a great disadvantage; but to have bad schools in which error is taught and learned, is a great misfortune. A superintending power is the main spring of all schools. A moment's reflection will satisfy any one that the whole must hinge upon it. If the education of the people be seriously taken up, we may rest assured that the whole vigor and life of that education will depend upon the system by which it is to be regulated. If it be weak and insecure, the schools will make no advance; they may, by some transient circumstances, have a momentary success, but there will be no security that they do not speedily fall back into a deplorable state of languor. If, however, these schools are placed under a vigorous and active government, the spirit of that government will be communicated to every part of the machine, and will impart to it life and motion."



The new School Act, by fixing the minimum of the allowance of a Local Superintendent, has relieved the Municipal Council of what has often proved an embarrassing and thankless duty. During the last session of the New-York State Legislature, a Bill was introduced, on the recommendation of the State Superintendent of Schools and the Report of a Select Committee, providing for the abolition of the office of Town Superintendents and the appointment of a School Superintendent for each Legislative Assembly District—analogous to an electoral riding with us. The salary of each Superintendent was fixed at \$500 per annum. There are 128 Assembly Districts and 11,000 Schools in the State—giving an average of about 86 schools to each Superintendent, who was required to visit each school twice a year, with a remuneration of nearly six dollars per school. With us, under the new School Act, the Local Superintendent is required to visit each school under his charge at least once in each quarter, and to deliver a public educational lecture in each section once a year, besides various other duties prescribed by law; and the minimum of his remuneration is fixed at one pound per school—a less sum than is given to Local Superintendents by most of the Township Councils from which I have heard the present year. Persons who offer their services at a very low figure in order to get an office, generally do little that is of any value after they get the office, and then justify their inefficiency by the plea that they do more than they are paid for. It is of very little importance to the people at large whether a Local Superintendent receives a few shillings more or less per school; but it is of the greatest importance to them and their children, whether an able supervision be provided for their schools. Under the provisions of the new School Act, new and feeble Townships can be provided with an efficient School Superintendence, and aided, if not altogether relieved, in regard to its remuneration.\*

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\* This provision in regard to the duties and minimum of Local Superintendents, I first submitted to the consideration of the Government on the 23rd of February, 1849. It formed the 23rd Section of a then proposed "Draft of Bill making further provision for the improvement of Common Schools in Upper Canada,"—designed to remedy the defects of the then existing School law, and to adapt it to the provisions of Mr. Attorney-General Baldwin's Municipal Council Bill, then before the Legislature. The following are the reasons I assigned for this provision:

"The *Twenty-third* Section confers upon Township Superintendents, within the limits of their respective jurisdictions, the powers of District Super-

The School Act imposing upon a local Superintendent not only miscellaneous duties which require judgment and knowledge of men and things, but a visitorial examination of each School once a quarter, (which, if conducted as the law expressly enjoins, cannot be performed in more than two Schools a-day,) and a lecture on education in each School Section once a year, and the examination of Teachers for the Schools, the County Council should spare no pains to search out and appoint men as local Superintendents who will command public attention as lecturers, who understand the true

intendents, with two vitally important provisos:—The one fixing the minimum of the allowance to Township Superintendents, [at one pound per School] the other prescribing additional duties of the highest importance to the progress of Common Schools [namely, that the Superintendent should visit each School once a quarter, and deliver a lecture on Education in each Section, once a year.] Without these provisos, I think the system of *Township* Superintendents will prove a failure, as it has done in the State of New-York; with these provisos, I think it will add very greatly to the efficiency of our Common School System. In the 'Municipal Corporations Bill,' I perceive the minimum of allowance to certain officers is prescribed by law; and I think such a provision *absolutely essential* to the efficiency of the *office* of Township Superintendent. The inefficiency of the late office of Township Superintendent was, I am persuaded, chiefly owing to the absence of the provisos which I here propose. In some instances, persons offered to perform the duties of Township Superintendent gratuitously, and such offers were invariably accepted; but that gratuitous zeal soon subsided; and as gratuitous service is irresponsible service, those who performed it considered themselves entitled to gratitude for the little that they did, rather than liable to blame for the much that they did not. Besides, when there were rival candidates for the office, the lowest bidder almost always received the largest suffrage; but when once in office, he would proportion his work to his compensation. Such was the tendency and practical effects of the system; although there were many honourable exceptions. And a still worse effect of that system was, the appointment, under such circumstances, of many incompetent persons. The first proviso which I propose, will remove all competition for the office upon pecuniary grounds; and while the compensation will be such as to secure the services of competent persons, the duties enjoined by the *second proviso* can hardly be discharged, or even attempted by incompetent persons. The second proviso will prevent the Councils from appointing persons who are not competent to prepare and deliver lectures; and persons who are competent to do that will be most likely to be qualified to inspect and superintend the Schools—their qualifications for which will be necessarily increased by their obligations to prepare public lectures on such subjects. The *second proviso* will produce, per annum, 12,000 school visits of Superintendents, instead of 3,000, as at present, besides, 3,000 *public school lectures*,—one in each School Section in Upper Canada. The vast amount of good which will result from such an arrangement, can scarcely be estimated."—"Correspondence on the subject of the School Law for Upper Canada," lately laid before, and printed by order of, the Legislative Assembly, page 32.

principles of school organization and the improved modes of school teaching, who will do justice to the great interests entrusted to them by their examinations of teachers, their visitations of schools, and their patriotic exertions to diffuse sound education and knowledge as widely as possible. I doubt not each County Council will respond to the spirit of the New-York State Superintendent of Schools, when he says, "It is fervently hoped that in every election hereafter to be made of a Local Superintendent, the most competent individual, without reference to sect or party, will be selected. On such a subject, where the good of their children is at stake, men should dismiss their narrow prejudices, and tear in sunder the shackles of party. They should consult only the greatest good of the greatest number of the rising generation. They should direct their preferences to those only who are the ardent friends of youthful progress—to those only, the smoke of whose incense offered in this holy cause, daily ascends to heaven; whose lips have been touched with a burning coal from the altar."

And as the selection to the office of Local Superintendent of Schools should be made upon the sole ground of personal qualification and character, and irrespective of party considerations, so should the duties of the office be performed in the same spirit. During the recent discussions in the Legislative Assembly on the School Bill, it was averred on all sides that the office of Chief Superintendent of Schools was and should be non-political—that whatever might have been the political opinions of the incumbent, or of his mode of advocating them, previously to his appointment to office, that, as in the case of a judge, he should take no part in party political questions during his continuance in office. On this principle I have sacredly acted since my appointment to office, as was admitted in gratifying terms by all parties in the discussion referred to; and I think the same principle should be insisted upon by each County Council in respect to each local Superintendent of Schools, and should be faithfully acted upon by every person filling that important office, thus making it equally confided in by all classes of the community. I am sure every Municipal Council in Upper Canada will agree with me, that the entire superintendence of the School system, in all its parts and applications, should be perfectly free from the spirit or tinge of political partizanship—that its influence, like the genial light and warmth of the sun, should be

employed for the equal benefit of all without regard to party, sect, or colour.

It will, of course, be a matter of discretionary consideration with each County Council, as to whether it will leave any or all the Township Superintendents in office during the remainder of the current year, before re-appointing or changing them. If not re-appointed or changed, the present local Superintendents will, of course, (as provided by the first Section of the Act) be paid for the current year by the Council appointing them, and according to its agreement with them. But they must henceforth perform their duties according to the provisions of the new School Act,—the basis and authority for all Common School proceedings of every description. In all cases where the superintendence of Schools in any Township has not been provided for the current year, it will be necessary for the County Council to supply that essential instrumentality in the payment of the School moneys and the supervision of the Schools.

4. In respect to the exercise of other powers with which the Act invests the County Council, I do not think it necessary to make more than one or two remarks. I trust that by the commencement of next year, provisions will be made for the establishment of School libraries, when the County Council will be able to judge as to the mode in which it can best employ its legal power for the introduction and diffusion of that most potent element of high civilization. The County Council is, of course, the best judge whether and to what extent it may be desirable and expedient to make provision "to give special or additional aid to new or needy School Sections, on the recommendation of one or more local Superintendents." It will be important that the County Council see that all balances of School moneys yet unexpended and in the hands of any local Superintendent, and all Township Assessments for raising part of the current year's School fund, be paid into the hands of the County Treasurer or Sub-treasurer, and expended and accounted for in the manner prescribed by the Act.

5. The spirit in which the provisions of the new School Act have been, generally speaking, discussed and adopted in the Legislature, I regard as an omen for the good of our country, and worthy of imitation in all Municipal and Local School proceedings throughout Upper Canada. Party differences were not permitted to mar

this great measure for the education of the people ; and although there were individual differences of opinion among men of different parties as to some details of the Bill, yet men of all parties united in the support of its general principles, and in an earnest desire and effort to render it as perfect as possible in all its provisions. I hope that no party spirit will be permitted to impair the efficiency of its administration in any Municipal Council, public meeting or Corporation. In the great work of providing for the education of the young, let partizanship and sectarianism be forgotten ; and all acting as christians and patriots, let us each endeavour to leave our country better than we found it, and stamp upon the whole rising and coming generations of Canada, the principles and spirit of an active, a practical, a generous, and christian intelligence.

I have the honour to be, Sir,

Your obedient servant,

L. RYERSON.

To the Warden of the County of—.

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[CIRCULAR.]

*To the Townreeves, on the Duties of Township Councils under the new Common School Act for Upper Canada.*

EDUCATION OFFICE,

Toronto, 12th August, 1850.

SIR,

In the eighteenth, and two following sections of the new Common School Act for Upper Canada, (a copy of which I herewith transmit) special powers and duties are conferred upon Township Councils, in addition to the general powers given them in the third clause of the thirty-first section of the Municipal Corporations' Act, 12th Victoria, chapter 81. On the duties which are thus devolved upon Township Councils, and this part of our School system, I think it proper to offer a few practical remarks.

As in common life, there are some things which each individual can do best alone, and other things which can be best accomplished by combination with others ; so in our Municipal and Common School systems, there are some interests which can be best promoted by the Townships separately, and others which can be best consulted by the union of several Townships, assembled, through their representatives, in County Council. The line of demarcation which the Legislature has deemed it most natural and advantageous to draw, in prescribing the respective duties of Township and County Councils, (that is of Townships separately and collectively,) in the administration of the School system, I have pointed out in my Circular to County Wardens; and I need not, therefore, further allude to the subject in this place.

1. The authority and duty of the Township Council to levy assessments on certain conditions for the purchase of school sites, the erection of School-houses, and other Common School purposes, are so plainly stated in the first clause of the 18th Section as to require no other remark than this—that the inhabitants of each School Section ought certainly to be the judges as to assessments levied upon them for the school purposes of their own section, and their wishes should be carried into effect without regard to the opinions of any person not belonging to their Section ; and as the Councillors are the proper representatives of the Township on Township affairs, so should the Trustees of each School Section (or a majority of them) be regarded as the representatives of such Section in its School affairs. Such are the true principles involved in this clause of the Act.

2. The second clause of the 18th Section of the Act, authorizes the Council, at its discretion, to establish a Township Model School. The attempts of local Councils to establish Model Schools have thus far proved entire failures ; and, with one exception, I think the money applied by the Councils and from the School Grant for such Schools, has done little good. The late District Councils have, in every instance except one, abandoned the attempt. I would suggest to each Township Council to consider such a matter well before undertaking it. To the success and usefulness of a Model School, a model teacher, at

any expense, is indispensable, and then a Model School-house properly furnished, and then judicious and energetic management.

3. The *third* and *fourth* clauses of this Section, relate to the authority and duty of the Council in regard to the formation and alteration of School Sections. *The formation and alteration of School Sections* is a duty, on the judicious performance of which, the efficiency of the Schools greatly depends. The conditions and precautions provided in the new Act relative to the time and manner of making changes in the limits of School Sections, will prevent the recurrence of the evils which have been experienced and the complaints which have been frequently made on this subject, and afford due protection to all parties effected by such changes. The duty of forming and altering School Sections, which was formerly enjoined upon District Councils, now devolves upon Township Councils. I know not that I can add anything on this point to the remarks which I made in my first Circular addressed to the Heads of District Municipal Councils, 1st October, 1846. Subsequent experience has only confirmed me in the correctness and importance of those remarks, which are as follows :—

"Much—very much—in respect to the efficiency of Common Schools depends upon the manner in which the provision of the law is acted upon. The tendency is to form small School Sections; each parent is anxious to have the School-house as close to his own door as possible. But the evil of forming small School Sections is as great as the local tendency is strong. I have been much impressed with the magnitude of this evil by the reports of School Superintendents and Inspectors in the States of Massachusetts and New York—countries similarly situated to our own, and whose experience on this important subject is highly valuable to us. They represent that the efficiency and usefulness of their Schools has been greatly retarded by the unwise multiplication of School Sections—thus multiplying feeble and inefficient Schools, &c., subdividing the resources of the inhabitants, as to put it out of their power to build proper School-houses, or support competent teachers without incurring a burthen which they are unwilling, if not unable to bear. The same documents also contain many curious statistics, proving that on an average, the *punctual* attendance and *proficiency* of pupils residing from one to two miles from the School far exceeds that of those pupils who reside within a less distance. The purport of these statements is to show, that proximity to the School is not essential either to the punctual attendance or to the proficiency of pupils. The managers of Common School education in these States have of late years directed their particular attention to prevent and remedy this evil of small School Sections; and they detail many examples of beneficial success. Some of the advantages of large School Sections are, the lessening of the burthen, upon each inhabitant, in establishing and supporting the schools; the erection of better buildings, and the procuring of greater conveniences for instruction; the employment of better teachers, and, therefore, the benefit of better education for youth. The subject is, therefore, submitted to the grave consideration of the Council, whenever the exercise of this part of its powers may be required."

4. It will be observed that special provision is made for the formation and alteration of *union* School Sections, consisting of



parts of two or more Townships, and that alterations of Sections and the formation of separate Sections, provided for in the 19th Section, take effect the 25th day of December—thus preventing the inconvenience resulting from alterations in School Sections, in the course of the year, and at the same time providing that the annual returns of children of school age residing in each Section the last week in December, shall be a proper basis on which to distribute the School Fund to School Sections the ensuing year. It is hardly necessary for me to direct the attention of the Council to the notifications required by the *third* and *fifth* clauses of this Section of the Act. It is important that the local Superintendent should be made acquainted with all proceedings relative to the Schools of which he has the oversight; and for that reason provision is made in the 5th Section, the 12th clause of the 12th Section, and the 5th clause of this 18th Section of the Act.

5. The provision of the 19th Section, as far as it relates to separate Protestant and Roman Catholic Schools, is substantially the same as that contained in the 55th and 56th Sections of the School Act of 1843 and in the 32nd and 33rd Sections of the School Act of 1846, with the exception that the present Act imposes more effective restrictions and conditions in the establishment of such schools than either of the former Acts referred to. Under the City and Town School Act of 1847, the establishment of separate schools in Cities and Towns was at the discretion of the Municipalities, and not at that of the applicant parties. No complaints having been made against this provision of the law, even in cities and towns, it was at first proposed to extend the application of the same principle and provisions to Township Municipalities; but objections having been made to it by some (both Protestant and Roman Catholic) Members of the Legislature, the provision of the former School Act was re-enacted—requiring however, the petition of twelve heads of families instead of ten inhabitants, as a condition of establishing a separate school, and aiding it upon the principle of average attendance, instead of at the discretion of the local Superintendent, as under the former acts. But notwithstanding the existence of this provision of the law since 1843, there were last year but 51 separate schools in all Upper Canada—nearly as



many of them being Protestant as Roman Catholic ; so that this provision of the law is seldom acted upon, except in extreme cases, and is of little consequence for good or for evil—the law providing effectual protection against interference with the religious opinions and wishes of parents and guardians of all classes, and there being no probability that separate schools will be more injurious in time to come than they have been in time past. It is also to be observed, that a separate school is entitled to no aid beyond a certain portion of the School-fund for the salary of the Teacher. The School-house must be provided, furnished, warmed, books procured, &c. by the persons petitioning for the separate school. Nor are the patrons or supporters of a separate school exempted from any of the local assessments or rates for Common School purposes. The law provides equal protection for all classes and denominations ; if there be any class or classes of either Protestants or Roman Catholics who are not satisfied with the equal protection secured to them by law in mixed schools, but wish to have a school subservient to sectional religious purposes, they should, of course, contribute in proportion, and not tax a whole community for the support of sectarian interests.

6. The *twentieth* section of the Act provides, under certain circumstances, for the incorporation of all the Schools in a Township under one Board of Trustees, like all the Schools in Cities and Towns. This would supersede the necessity of the School-Section divisions of a Township, and establish one interest and one management for all the schools in such Township. In the State of Massachusetts, this option is given, as the inhabitants of each town (called township with us) can have each school managed by an elective committee of three (analogous to our Trustees), or all the schools managed by Select Men (a Board of Trustees) for the whole town. The Hon. HORACE MANN states that schools managed according to the latter method, are generally more efficient than those managed by separate committees. But the towns there are smaller in geographical extent than our townships. I am not prepared formally to recommend Township Boards of Trustees ; but I think it is well for the inhabitants of each Township to have the power of adopting it, if they desire to do so.

7. before concluding, I desire to advert to the relief which the provisions of this Act afford Municipal Councils in the settlement of school-section disputes. Heretofore, a very considerable portion of the time of some Municipal Councils has been occupied in the investigation and discussion of such disputes, at a heavy expense to the Municipalities, and often to the satisfaction of no party. Besides, it was hardly fair to make an elective Council a *judicial* tribunal for the impartial trial of matters, affecting, in a considerable proportion of cases, one or more individual Councillors themselves, or one or more individual constituents, by whom one or more Councillor-judges had been opposed or supported at municipal elections, or whose anticipated support or opposition at future elections might place Councillors in a position equally painful in the investigation of such matters. It is a grave question of civil polity, whether *popularly elective* bodies should be invested with *judicial* functions. The judicial decisions of such bodies have generally been most severely criticized, and have exposed their authors to more odium than have any other judges been liable to for their decisions. The judicial decisions of the highest elective body in the land—the Legislative Assembly—have been questioned even in the smallest matters,—such as a decision on the conduct of a newspaper reporter towards one of its own members. I have always, therefore, considered it impolitic and unjust to Councillors to impose upon them the task of investigating and deciding upon personal matters of dispute between their constituents, or in which they themselves might be considered as interested parties. The new Act is free from this objection. It will be seen by referring to the *eleventh* section, to the 18th clause of the *twelfth* section, and to the *seventeenth* section, that the new Act provides for the settlement of nearly all probable school-section disputes by a simple unexpensive system of local arbitration, (without appeal to the Chief Superintendent, or to any other tribunal)—a mode of settling disputes which I hope will soon become general throughout the province.

8. I hope to have it in my power, in the course of a few months, to present each Township Council in Upper Canada with a copy of a valuable work on *School Architecture*—con-

taining a great variety of plans of school-houses and premises, specifications, and every information necessary to aid in the erection and furnishing of school-houses, and providing every description of school-apparatus. I trust that each Township Council will do honour to its important position in this great work of the country's education, and by the united and individual example of its members, speedily succeed in rendering a good school accessible to every child in the Municipality. I believe the present School Act furnishes greater facilities than any preceding one for the accomplishment of this object; a party, a selfish, a slothful spirit alone can defeat it.

I have the honor to be, Sir,

Your Obedient Servant,

E. RYERSON.

[CIRCULAR.]

*To each local Superintendent of Common Schools in Upper Canada  
on their duties under the new Common School Act.*

EDUCATION OFFICE,

Toronto, 12th August, 1850.

SIR,—With this Circular you will receive a copy of the new School Act for Upper Canada, 13th and 14th Vic., ch. 48, and of the Forms and Instructions necessary for its due execution.

The duties which this Act imposes upon local Superintendents are of the gravest importance; and it is on the nature of these duties and the manner of discharging them, that I desire to address you on this occasion.

The new Act relieves each local Superintendent from being a Treasurer of school moneys, from keeping financial accounts, and from giving bonds with sureties to the Municipal Council appointing him. The County Treasurer is the responsible officer for the safe keeping and prompt payment of the County School Fund, upon the orders of local Superintendents. Whatever balances of School moneys may chance to be in

your hands, should be forthwith handed over to your County Treasurer—you taking his receipt for the same.

1. The duties of each local Superintendent are clearly pointed out in the several clauses of the *thirty-first* section of the Act. The first duty mentioned is, to apportion the School money notified to him by the County Clerk, to the several School Sections within the limits of his charge. This he is to do according to the average attendance of pupils in each School, unless otherwise instructed by the Chief Superintendent of Schools. The local distribution of the School Fund among the several schools according to average attendance (the mean attendance of pupils for both winter and summer being taken) is an important provision of the law, and based upon reasons which will be found in a note ;\* but it should not be adopted

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\* This provision of the new Act was first submitted by me to the consideration of the Governor-General in Council the 14th October, 1848, in transmitting the draft of a short bill designed to remedy some of the defects of the School law of 1846. The reasons assigned for the introduction of this new principle into the law relative to the apportionment of School moneys, were as follows :—

“ The *Twelfth Section* proposes giving a discretionary power for the distribution of the School Fund in each District to the several Schools, according to *attendance*, instead of according to School population. The Bathurst District Council has strongly advocated *attendance* as the basis of distributing the District School Fund. As population has been invariably adopted in all the popular School Laws with which I have met, as the basis of distributing the local School Fund of each County or Town, as well as the State or National Fund to the several Municipal localities, I hesitated in proposing any other until within a few months since, when I received the last Annual Report of the Massachusetts Board of Education, in which I find this distribution of the School Fund recommended to the Legislature with a force of argument which, I think, cannot be resisted. I find experienced persons whom I have consulted of the same opinion. I find on examination, that in many large School Sections, the attendance of pupils is often not larger than in small ones. Distributing the School Fund according to *attendance* will therefore be favourable to small Sections. I find also that the attendance of pupils in new and poor rural Sections and Townships is larger in proportion to the whole School population, than in older Townships and Cities or Towns. The adoption of the proposed principle of distribution, will therefore be favourable to the newer and poorest sections of the country. This is the result of a most extended inquiry into the statistics of School *attendance* as compared with School *population* in the State of Massachusetts; and the Secretary of the State Board of Education concludes his argument on this point with the following impressive remarks :—

“ It is most obvious, then, that an apportionment of the income of the School Fund, according to the average attendance of children upon the School—taking the mean of attendance for both summer and winter schools—would conduce greatly to the benefit of the smaller, the more agricultural, and the more sparsely populated Towns. It would distribute the bounty of the State on the principle of helping those who help themselves. It would confer the benefit of the income on the children who attend the public Schools, instead of bestowing it in behalf of children who attend Academies and private Schools, and never enter public Schools at all; and thus it would give a practical answer to the pertinent question why money should be given to those who disdain to use it. And, lastly, it would be a new argument of great weight in many minds in favour of a more uniform attendance upon School; because, the detention from School of any child who

without previous and full notice to all parties concerned. It is not, therefore, to be adopted the present year. You will this year apportion the School money to the several sections within the limits of your charge entitled to receive it, (as in former years) according to the ratio of children over five and under sixteen years of age in such sections respectively, as compared with the whole number of children of the same ages in the Township, or each Township, under your superintendence. In my Circular to County Clerks, I have adverted to the manner in which these data should be furnished to any local Superintendent who may not have obtained them.

2. Having apportioned the school money to the several sections within the limits of his charge, the local Superintendent's next duty is to pay the money thus apportioned to *legally qualified Teachers, and no others*, on the lawful orders of Trustees. The proviso of the *fifteenth* section of the Act gives validity to the certificates of qualification by local Superintendents during the present year. No Teacher who has not such a certificate, or who cannot procure one, is entitled to any part of the School Fund. Before the end of the current year, I trust regulations and provisions will be made for the more uniform and thorough examination of Teachers, and the more systematic and equitable classification of them. In my circular to Wardens of Counties, and in my remarks in chapter V. of the Forms and Instructions, I have sufficiently adverted to the manner of paying Teachers, and accounting for School moneys under the provisions of the new Act.

3. The next, and of all the duties of the local Superintendent, the most vitally important, is the *inspection* of Schools.

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ought to be in it, would diminish the Town's share of the income, and thus inflict palpable injustice, not only on the absentee, but on all other children in the Town."

In the last Annual School Report of the Superintendent of Schools for the State of New-York, laid before the Legislature a few months since, I find the same provision recommended to the favourable consideration of the Legislature of that State, in the following words:—

"It is respectfully suggested to the Legislature, whether the ratio of apportionment and of distribution of the school money, might not advantageously be so changed as to have reference to the attendance of pupils upon the district schools, for a certain specified period during the preceding year, instead of being upon either population, or the number of children actually residing in the district. By the adoption of this mode of distribution, strong inducements would be presented to the taxable inhabitants of the several districts, to place their children in the common schools, and to keep them there, for a sufficient length of time to secure an additional share of the public money.

The provision of the law is explicit, both as to the *frequency* and the *manner* of this inspection. The law requires each local Superintendent, "To visit each School within his jurisdiction, at least once in each quarter; and at the time of each such visit, to *examine into the condition of the school*, as it respects the *progress of the pupils in learning*, the *order and discipline observed*, the *system of instruction pursued*, the *mode of keeping the school registers*, the *average attendance of pupils*, the *character and condition of the building and premises*, and to *give such advice* as he shall think proper." I do not think it is possible for a local Superintendent to observe, with any sort of fidelity, even the letter of the law, without spending nearly, if not quite, half-a-day in each School at each visit. To deal in a few vague generalities on such occasions, and to make it a kind of exhibition, is a burlesque on the object and duty of the *inspection* of Schools. Such an exhibition of general results is appropriate at a public quarterly examination; but the object of inspection is much more detailed, practical and thorough, and relates to the *mode* of proceeding in every particular of school instruction and government. The infrequency and very defective manner in which the Schools have been inspected in some districts, has given rise to objections against the very office of local Superintendent.

To perform this duty with any degree of efficiency, a local Superintendent should be acquainted with the best modes of teaching every department of an English School, and be able to explain and exemplify them. It is, of course, the local Superintendent's duty to witness the modes of teaching adopted by the Teacher, but he should do something more. He should, some part of the time, be an *actor* as well as *spectator*. To do so he must keep pace with the *progress of the science of teaching*. When young, I taught a District Grammar School some two years, and with some degree of reputed success; but the kind of teaching and school organization which would, in many instances, have been applauded in this country twenty-five to thirty years ago, ought not to be tolerated now. Every man who has to do with Schools, ought to make himself master of the best modes of conducting them in all the details of arrangement, instruction, and discipline. A man commits a



wrong against Teachers, against children, and against the interests of school education, who seeks the office of local Superintendent without being qualified and able to fulfil all its functions. In respect to the manner of performing the *visitorial* part of your duties, I have nothing material to add to the suggestions which I made in my circular to District Superintendents of Schools in December, 1846. They are as follows:—

Your own inspection of the Schools must be chiefly relied upon as the basis of your judgment, and the source of your information, as to the character and methods of school instruction, discipline, management, accommodations, &c.; and on this subject, we ought not to content ourselves with those exterior and general facts which have hitherto been the special, and almost only subjects of School Reports, such as the number of schools, that of pupils, their age, the sums expended, &c. These items of information are of unquestionable importance; and every means ought to be employed to render them more exact and complete. But it is not of less importance to know the *interior regime* of the Schools—the aptitude, the zeal, the deportment of the Teachers—their relations with the pupils, the Trustees and the neighbourhood—the progress and attainments of the pupils, and, in a word, the whole moral and social character and results of the instruction given, as far as can be ascertained. Such information cannot be acquired from Reports and Statistical Tables; it can only be obtained by special visits, and by personal conversation and observation—by an examination of the several classes, in their different branches of study, so as to enable you to ascertain the degree and efficiency of the instruction imparted.

In the Inspection of Schools, I would suggest something like the following order and subjects of inquiry and examination:—

**I. Mechanical Arrangements.**—The *tenure* of the property: the materials, dimensions and plan of the buildings; how lighted, warmed, and ventilated; if any class-rooms are provided for the separate instruction of part of the children; if there is a lobby, or closet, for hats, cloaks, bonnets, &c.; how the desks and seats are arranged and constructed, and with what conveniences; what arrangements for the Teacher; what play-ground is provided; what gymnastic apparatus, if any; whether there be a well, and proper conveniences for private purposes.

**II. Means of Instruction.**—The Books used in the several classes, under the heads of Reading, Arithmetic, Geography, &c.; the Apparatus provided, as Tablets, Maps, Globes, Black-boards, Models, Cabinets, Library, &c.

**III. Organization.**—Arrangement of classes; whether each child is taught by the same Teacher; if any Assistant or Assistants are employed, to what extent, how remunerated, and how qualified.

**IV. Discipline.**—If the pupils change places in their several classes, or whether they are marked at each lesson, or exercise, according to their relative merit; if distinction depends on intellectual proficiency, or on a mixed estimate of intellectual proficiency and moral conduct, or on moral conduct only; what rewards, if any; whether corporeal punishments are employed—if so, their nature, and whether inflicted publicly or privately; what other punishments are used; whether attendance is regular; what religious exercises are observed, and what religious instruction is given, if any.

**V. Method of Instruction.**—Whether mutual, or simultaneous, or individual, or mixed; if mutual, the number of Monitors, of what attainments, how appointed, how employed; if simultaneous, that is, by classes, to what subjects of instruction: whether the simultaneous method is not more or less mingled with individual teaching, and on what subjects; to what extent the intellectual, or the more rote method is pursued, and on what subjects; how far the interrogative method only is used: whether the suggestive method is employed; whether the elliptical method is resorted to, how the attainments in the lessons are variously tested—by individual oral interrogation—by requiring written answers to written questions—by requiring an abstract of the lesson to be written from memory.

**VI. Attainments of Pupils.**—1. In Reading; whether they can read imperfectly, decently, or with ease and precision. 2. In Writing; whether they can write at all, or

imperfectly, decently, or with ease and elegance. 3. *In Arithmetic*; whether acquainted with Notation and Numeration, Addition, Subtraction, Multiplication, Division, or not, respectively; whether skillful in them; whether acquainted with the Tables of Moneys, Weights, Measures, and skillful in them; whether acquainted with the compound rules, and skillful in them; whether acquainted with the higher rules, and skillful in them; whether acquainted with the exercises in mental arithmetic, and skillful in them. 4. *In Grammar*; whether acquainted with its divisions, rules of orthography, parts of speech, their nature and modifications, parsing, composition, &c. 5. *Geography, History, Book-keeping, &c.*; the order of questions, suggested by the nature of the subject. The extent and degree of minuteness with which the inspection will be prosecuted, in respect to any, or all of the foregoing and kindred subjects, must, of course, depend on circumstances.

4. Another most important duty required of each local Superintendent is, "*To deliver in each School Section, at least once a-year, a public lecture on some subject connected with the objects, principles, and means of practical education.*" The education of a free people is, to a great extent, a system of voluntary exertion. There may be a good School law, and there may be a large School fund; and yet education may decline. Massachusetts without a farthing's State School Fund until since 1835 (and it amounts now to only a few thousand dollars a-year) has nobly advanced in the sound and universal education of her youth; while Connecticut, with the largest School Fund of any State in America in proportion to her population, has ignobly declined in the same great work of patriotism and humanity. In a "*PRIZE ESSAY* [published in the appendix to the last School Report of the State Commissioner] *on the necessity and means of improving the Common Schools of Connecticut,*" I find the following, among many similar statements:—

A few years since, the name of Connecticut was mentioned in connexion with Common Schools, with honor, only; it is now, in this connexion, coupled with expressions of doubt and regret, and that by wise and sober men. Her large State endowment is described as having put her effectually asleep, as having sent her to "Sleepy Hollow," from the influence of which, when she is aroused for a moment, it is to talk of her noble School Fund and JAMES HILLHOUSE, just as LILLIAN WINKLE did of his neighbours who had been dead forty years. The School Fund is scattered every where out of Connecticut—we venture to say it is quoted in every other State in the Union—as a warning and example to deter them from giving the proceeds of their own funds, except only on the condition, that those who receive, shall themselves raise as much as they take, and report annually as to the results. Those who go from other States into Connecticut, can hardly credit the testimony of their own senses when they are forced to believe the apathy that prevails. Every newspaper and every lecturer out of Connecticut, high and low, ignorant and knowing, sneers at the Connecticut School Fund, and the present condition of Connecticut Schools.—Those who go from Connecticut into other States, and from them into Connecticut, feel a shock in the transition. It is like going from a cellar into sunshine, or from sunshine into a cellar. We know an intelligent gentleman who has seen his scores of years, who has recently removed from Rhode Island into the "land of steady habits," and can hardly understand or believe that the apathy which he finds, can be a reality. The writer has within a few years made the change the other way, from Connecticut to the Bay State. He, too, has been forcibly impressed with the contrast. In one particular, this contrast is very striking. In Connecticut, the people have been persuaded, that to be taxed for the support of Common Schools is a levy upon the poor,



for the schools of the rich. In Massachusetts, the people *know* that all such taxes are a lawful tribute from the rich, for the benefit of the poor. We have seen in the latter State, in a crowded town-meeting, a thousand hands raised as by magic, to vote the largest of two sums named by a School Committee, a sum which was nearly a dollar for every individual of the entire population, men, women, and children. The motion was made by one of the wealthiest men in the town, whose own children were too old to attend the public School. It was supported by others wealthier than he, and having no interest of their own in the Schools.

These facts demonstrate that the onward progress of the education of a country does not depend, primarily or chiefly, upon a School Fund or School law, but upon the *spirit* and *action* of the *people*; and the great object of public School lectures is, to awaken that spirit and arouse this action. The law requires that a voice should be lifted up on this subject in every School Section in Upper Canada; the commanding authority of that voice will depend upon the ability, the industry, the *heart*, of each local Superintendent. No man ought to aspire to the office, or retain it a week, who has not the heart and ability to prepare and deliver public lectures in a spirit and manner worthy, in a good degree, of a cause interwoven with every vital interest of our country's civilization and happiness. We cannot be too strongly impressed with the fact, that the administration of the school system is not like that of any other Department of the Public Service—a vigilant and effective oversight of the execution of the law, the protection and development of the country's resources: the due administration of the school system—and indeed, properly speaking, the great object of it, besides the ordinary administration of the law—is to excite and maintain as widely, and in as high a degree, as possible, among all classes of the community, a correct appreciation of the nature and importance of popular education, and a spirit of intelligence, philanthropy, and patriotism in the adoption of the diversified means necessary for the attainment of that end. From the office of the Chief Superintendent, down to the desk of the humblest Teacher, a moral influence, an energy, a vitality should be sent forth in behalf of the education of youth and the diffusion of useful knowledge among the people. If the right spirit glow in the bosom of every Superintendent, it will appear in every public lecture, in every school visit, on every proper occasion in the intercourse of private and public life, and the results will soon be manifest in every municipality of Upper Canada. On the other hand, great must be the responsibility, and deep the disgrace, of any

Superintendent, who shall suffer the interests of Schools to droop and die, or linger on in a sickly condition, under his oversight.

5. On the duties of a local Superintendent respecting school books and attending meetings of the County Board of Public Instruction, I will not remark at any length. The former topic I have discussed at some length in my annual School Report for 1849,—which will be printed, and a copy sent to you, in the course of a month or two; and, on the latter topic, some practical suggestions will be made when the Programme for the examination and classification of Teachers shall have been prepared and published. Nor need I here offer any observations upon the duties imposed upon you by the subsequent clauses of this *thirty-first* section of the Act. I doubt not but the several provisions respecting the support and duties of the office of local Superintendent, will contribute very much to its efficiency and usefulness.

6. It therefore remains with each incumbent to say, whether the spirit and intentions of the law shall be fulfilled within his jurisdiction, as far as depends on the performance of the duties of his office. The Act has been passed by the Legislature in the spirit of a generous nationality; the spirit of patriotism prevailed over the selfishness of party during the Parliamentary deliberations on this subject. The Government duly appreciated the wants and interests of the whole country in the preparation of the measure, and all parties in the Legislature cordially responded to it. In the same non-party and national spirit, I hope to see the law administered. In 1841, the common school law of the State of New-York was so amended as to authorize and require the Board of Supervisors of each County (a body in school matters similar to a County Council with us) to appoint a County Superintendent of Common Schools. In a *Digest of the Common School System of the State of New-York*, published in 1844 by the Deputy, under the auspices of the State Superintendent of Schools, I find the following remarks, which I commend to your serious attention:—

As the usefulness of local Superintendents will depend mainly on the influence they shall be able to exercise upon the officers and teachers of Schools, and upon parents and the inhabitants of districts generally, they will endeavour to deserve that influence by their deportment, and studiously to avoid everything which may impair it. Hence it will be indispensable that they should abstain wholly and absolutely from all interference in any

local divisions, or in any questions by which the community in any town or district may be agitated; and although they cannot be expected to abandon their political sentiments, yet it is obvious that any participation in measures to promote the success of any political party, will not only diminish their influence and impair their usefulness, by exciting suspicion of the objects of their movements and measures, but will expose the office they hold to a vindictive hostility that will not cease until it is abolished. The intelligence of our people will not tolerate the idea of the agents of public instruction becoming the emissaries of partisan management.

The conviction expressed in the concluding sentences of this quotation, has been painfully realized. As party politics ran high, it was found that the appointments of local Superintendents were made, to a considerable extent, in the spirit of political partizanship, and the influence of the office was frequently employed for partizan purposes. A clamor was soon raised against the office itself, which resulted in its abolition in 1847. Great efforts have been made during the last two years, by the State Superintendent and other experienced educationists, to restore the office, and place it on a better footing than heretofore. These facts are admonitory. A man's qualifications, irrespective of sect or party, should influence his appointment to the office; but when once appointed, and during his continuance in office, he should act in the spirit of impartiality and kindness towards all persuasions and parties. This has been the avowal of the Government and the sense of the Legislature in regard to the office and duties of the Chief Superintendent; and I think it was equally understood and intended, that no tinge of partizanship should attach to the supervision of schools, even in the remotest township of the Province. The spirit of the vow made by the Prussian School Counsellor DITZEN, should imbue the heart of every School officer in Upper Canada: "I promised God, that I would look upon every Prussian peasant child as a being who could complain of me before God, if I did provide him the best education, as a man and a Christian, which it was possible for me to provide."

I have the honour to be,

Sir,

Your obedient Servant,

E. RYERSON.

## [CIRCULAR.]

*To the Trustees of Common Schools in Upper Canada, on their duties under the new School Act, 13th & 14th, Victoria, Ch. 48.*

EDUCATION OFFICE,  
Toronto, 12th August, 1850.

GENTLEMEN,—Having caused the new School Act to be printed, and having provided for sending a copy of it to each of the 3,036 Corporations of Common School Trustees in Upper Canada, I now address a few words to you on your duties and responsibilities under the provisions of that Act.

The Correspondence on the Common School Law, which has been recently printed by order of the Legislative Assembly, furnishes evidence that in every communication which I have addressed to the Government on the subject of our school law, during upwards of four years, I have endeavoured to get both Trustees and Teachers placed in a better position, for the fulfilment of their duties and the protection of their interests. I am happy that the provisions of the new Act contain all that I have sought for in both these respects; and I can now congratulate Trustees of Common Schools in Upper Canada on their being placed in a position more favorable for the efficient and satisfactory discharge of their duties, than the Trustees of Common Schools in any State of America.

The new Act confirms all past elections, appointments, contracts, assessments, rates, &c., while it gives to all parties concerned the advantages of its own provisions in the execution of whatever may have been commenced or undertaken under the authority of any previous Act. Nothing, therefore, in any part of our school operations, is, in the slightest degree deranged; but Trustees are provided with additional facilities, as they are invested with new obligations, to fulfil their previous engagements, and provide for the future interests of the schools under their charge. The several clauses of the *twelfth* section of the Act clearly specify the powers and duties of Trustees. I will only advert, at present, to the more important of them.

1. As the Representatives of the people in the Legislative Assembly determine the amount of money to be expended for any object, or the salary of any public officer to be employed; so the Trustees, as the Representatives of the people in a School Section, have the sole power of determining the *amount* of the Teacher's salary, and of the incidental expenses of the School. They can also procure such apparatus and text-books as they may judge expedient for the use of the pupils in the School. But the *manner* in which the salary of a Teacher and other actual or estimated expenses of the School shall be raised, is left to a public meeting of the tax-payers, to be called for that purpose. Then, if the whole of the expenses are not thus provided for, the Trustees have authority to raise the balance in such manner as they may think proper, either by voluntary subscription, by rates on parents sending children to the School, or rates on all the rateable property of the School Section. Trustees themselves (and not a magistrate) issue the necessary warrants for the collection of all rates levied by them on resident rate-payers. Trustees can also, if they so desire, petition the Township Council in behalf of any lawful meeting to impose School Section rates, and the Council is required to give effect to the request of such meeting, as expressed by the Trustees. The Common School property of a Section is no longer vested in the Municipal Council, but in the Corporation of Trustees, and is therefore liable for debts contracted by them. Trustees, are, therefore, furnished with every needful security and means to enable them to establish a good school and provide for its efficient support. Faithful Trustees are provided with a still further protection and assistance, in the penalties which the Act imposes upon those Trustees who refuse or wilfully neglect to perform their duties. It has sometimes occurred, that Trustees have been thwarted or embarrassed in fulfilling their engagements, or doing their duty, by one or other of their colleagues refusing to act, and perhaps, in some instances, actually supporting an opposition school. The 16th clause of the *twelfth* section provides, that "in case *any* of the Trustees shall *wilfully neglect or refuse* to exercise such corporate powers for the fulfilment of any contract or agreement made by them, *he or they* shall be *personally* responsible for the fulfilment of such contract or agreement." The *eighth* section

of the Act further provides, that "every person chosen as Trustee, and not having refused to accept, who shall at any time *refuse or neglect* to perform the duties of his office, shall forfeit the sum of five pounds; which sum or sums may be sued for and recovered by the Trustees of the section, for its use, before any Justice of the Peace."

It will thus be seen that the Act makes effectual provision against any person getting into the office of Trustee, and then refusing or neglecting to perform its duties; that it affords ample protection to each Trustee who performs his duties, and provides every means necessary to enable Trustees to fulfil their engagements. Instances sometimes occur, of parents or individual Trustees refusing or neglecting to pay a Teacher on the expiration of his engagement,—the Teacher being thus compelled to leave without the payment of his hard-earned dues, and a debt thus perpetuated to the disadvantage of a new Teacher and the future injury of the School. The *seventeenth* section of the Act guards against this injustice and evil, by providing that "any Teacher shall be entitled to be paid at the same rate mentioned in his agreement with the Trustees, even at the expiration of the period of his agreement, until the Trustees shall have paid him the whole of his salary, according to their engagement with him." This provision will prevent the injurious accumulation of debts to Teachers in a section, and it will furnish Trustees, desirous of performing their duties, with satisfactory reasons for insisting upon the prompt payment of the rates for the Teacher's salary; while it will afford protection to the discharged Teacher against any possible attempt to wrong him. Then the *eleventh* and *seventeenth* sections, and the 18th clause of the *twelfth* section, provide an easy mode of arbitration, by which Trustees can settle any differences which may arise between them and the Teacher, or other parties in their School Section.

I know not how a law, founded upon popular principles and a due regard to the equal rights of all parties, can more effectually provide for the easy and efficient discharge of the duties of Trustees, the right of each School Section to manage its own local affairs, and the means and facilities of education for all its children.

2. On the duties of Trustees in respect to their Teacher and

School, I refer you to the second section of the General Regulations, prescribed by the Council of Public Instruction, for the ORGANIZATION, GOVERNMENT, AND DISCIPLINE OF COMMON SCHOOLS IN UPPER CANADA. It is needless for me to attempt to add a word to the practical and impressive views there expressed relative to the *Duties of Trustees*; and I would also recommend to your special attention the several sections of those General Regulations, as also the Forms, and remarks upon them, which I have prepared according to law, to aid Trustees in the performance of their duties.

3. It will be seen that the new Act provides every desirable facility for the establishment of *Free Schools*—Schools supported by the property of all, and equally free to the children of all—the only Schools which are, in my opinion, based upon the true principles of national education, and adapted to national wants. But I wish every School municipality to be the judge as to the manner of supporting its own Schools; and I think the success of Free Schools will be greatly influenced by the discretion exercised in their first establishment. As the very object of a free School and the principle of supporting it, implies a School for the common education of all the children and youth of a School Section, the first requisite towards its accomplishment, is to provide a house and Teacher adequate to that end. To employ a Teacher incompetent to teach all the school-going youth of a section, and yet to tax all the inhabitants to pay the salary of such incompetent teacher, is manifestly unjust. Trustees should, therefore, upon the ground of justice to all School-rate payers, as well as from regard to the interests of their children, employ none but a highly competent teacher, when it is determined to have a free school. A good school and a free school should be convertible terms, as should an able teacher and a teacher of a free School. Then will the quality and character of instruction be as much advanced, as the number of pupils will be multiplied, with the establishment of every free school. The Appendix to my School Report for 1849, contains copies of my addresses on the subject of Free Schools throughout Upper Canada; and the Legislative Assembly has ordered a copy of that Report to be furnished to each School Corporation in the Province. The report itself also contains the sentiments of local Superinten-



dents and other enlightened friends of education on the subject of Free Schools. That report will be printed and placed in your hands in the course of two or three months. I will, therefore, dismiss the subject in this place, with the single additional remark, that I hope, before the year 1860, to see the light of a **FREE SCHOOL** emitting its splendour and imparting its blessings to every child of every School Section in Upper Canada.

It only remains for me, while I again congratulate you on the auspicious circumstances in which the new act places you, to urge upon you the fulfilment of the high purposes of your responsible office. The destinies of the rising and future generations of the country are truly in your hands. The youth of the land look up to you as the guardians and providers of that education which will enable them to perform their duties to their Maker, to their country, and to posterity. Surely you cannot, you will not betray their interests and disappoint their hopes. May they have reason to rise up and call you blessed! May the fruits of your labours place Upper Canada in a position of honour and pre-eminence among the other countries of North America!

I have the honour to remain, Gentlemen,

Your fellow-labourer and obedient servant,

E. RYERSON.

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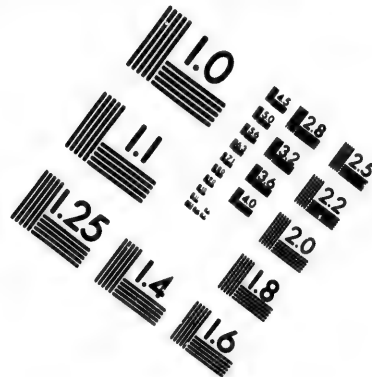
[CIRCULAR.]

*To the Teacher of each Common School in Upper Canada on his duty under the new Common School Act.*

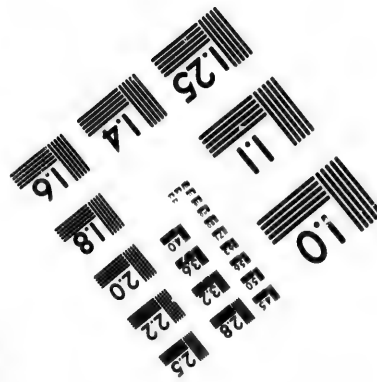
EDUCATION OFFICE,  
Toronto, 14th August, 1860.

SIR,—The new Common School Act for Upper Canada is now printed and distributed to all the municipalities and School Sections. It may be regarded as the great charter of Common School Teachers in Upper Canada. It stamps their profession with new importance, and throws over their interests and character the shield of a new protection. I can now say truly, that I know of no State, where a popular School system exists, in which the rights and interests of Teachers are so effectually protected, as under the provisions of the new School Act for Upper Canada. The pages of the "*Journal of Education*" and the "*Correspondence on the School Law*," lately





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printed by order of the Legislative Assembly, attest the feelings I have entertained and the efforts I have made to elevate the position, protect the rights, and improve the circumstances of School teachers ; and I rejoice to witness the enactment of a law so far satisfactory on this subject, as to prompt me, for the first time during my five years' occupancy of office, to address an official circular to Teachers,—believing that their position and prospects are now sufficiently encouraging to justify me in holding up the profession of a Teacher as a comfortable as well as respectable and useful employment for life.

2. The new Act provides Trustees of Common Schools with greater facilities for raising the salaries of Teachers and furnishing the Schools with all needful maps, apparatus, and text-books, than I know of in any other country ; while, at the same time, it makes corresponding provision for the punctual payment of Teachers, both from the School Fund and School rates. You have only to study carefully the provisions of the Act to be impressed with the conviction, that they have been conceived in the spirit of the warmest regard for the interests and efficiency of the Teacher's profession, and contain all that can be secured by law to a Teacher, under a system of local self-government, where the patronage and emoluments of each School (beyond the amount of the School Fund apportioned to each School Section) are in the hands of a local elective Corporation, and not of a central Executive, as in other systems of government. The facilities for Normal School Instruction to all Teachers who wish to avail themselves of it, are also greater, under the liberal provisions of the new Act, than in any other country in America. A valuable series of uniform text-books coming so generally into use, and the Trustees being authorized to supply all the pupils with them, cannot fail greatly to relieve and facilitate the labours of the Teacher. It will also be observed, in the Regulations which have been made by the Council of Public Instruction (under the provisions of the new Act) that the independence of the Teacher, in the teaching and classification of his School, is placed beyond petty interference or individual tyranny. Under the more effective system for examining and licensing Teachers as provided for by the new Act, and the Programme for the examination and classification of Teachers to be prepared by the Council of Public Instruction, a proper line of demarcation will be drawn between Teachers according to their relative qualifications,

and each Teacher will acquire the position and advantage to which he is entitled.

3. Such being your position, relations and prospects under the provisions of the new School Act, I am desirous of making a few general remarks and suggestions relative to your future conduct. Your general duties are prescribed in the several clauses of the *sixteenth* section of the Act, and the rules according to which you are to conduct your School, will be found in the *third* and *fifth* sections, Chapter vi, of the General Regulations for the Organization, Government, and Discipline of Common Schools, adopted by the Council of Public Instruction. I hope you will meditate upon, and make yourself thoroughly acquainted with the intention and spirit of these requirements of the law and of the regulations authorized by it. What I have now to offer is of a more general character.

4. Permit me first to say, value your profession. If you do not value it, others will not. But do not show your estimate of it, by assuming lofty airs, or making lofty pretensions; but by making yourself thoroughly master of it, by devoting your energies to it, by becoming imbued with its spirit. Let your actions speak, and let your heart feel. If an orator would have his audience feel, he must first feel himself; and if a Teacher does not feel, and does not give proof that he feels, the value and importance of his work, can he reasonably expect others to do so? We often hear it said, "Teachers are not respected." But is it not almost as often true, that teachers do not respect themselves—that they do not act respectably—that they themselves provoke the disrespect of which they complain. A Teacher cannot be made respectable by Act of Parliament. He must make himself so. In every ordinary employment of life, a man who acts upon high principles, and shows that he understands and values his business, will invariably command respect. Nor are the Teacher and his work an exception to the general rule. Nay, wherever a teacher has shown himself the possessor of noble principles, and that he understood and loved his work, has he not commanded respect, and soon acquired commanding influence in the neighborhood of his residence? I am persuaded that the people of Upper Canada do not, to any considerable extent, disrespect teachers worthy of respect. A people in so young a Province, and in the infancy of the school system, who voluntarily taxed themselves last year to the amount of *two hundred and seven-*

*ty-five thousand dollars* (considerably more in proportion to population than the amount raised last year by the people of the State of N. York) for *salaries of Teachers alone*—irrespective of the legislative school grant, and of the sums assessed and collected for the erection of school-houses and the incidental expenses of schools—cannot but respect every respectable Teacher. It is true that narrow and mean views are entertained by some as to the amount of a teacher's remuneration, but the same persons entertain similar views as to the remuneration of all public officers. But the number of these enemies of knowledge and petty tyrants of mental labour, will diminish as intelligence and manly virtues advance in society. The large increase which has already, in many instances, taken place in the salaries of efficient Teachers, and the increasing demand for such Teachers in various parts of the Province, indicate a progress full of encouraging hopes and anticipations for the future.

5. Then, if you value your profession yourself, employ the proper means to give it a place, not only in the esteem, but in the interest and sympathies of others. The profession of a Teacher is a means to an end; it exists not for the sake of the Teacher himself, but for the interests of society. It is a work indispensable to the progress and well-being of society. What is the Teacher's work? It is to develop the mind, to mould the heart, and to form the character of the future citizens, magistrates and rulers of our land! It is to teach and implant that which is the only true guarantee of liberty, order, and social stability—the essential element of a country's prosperity and happiness. Show that you sympathise with these objects—that your heart is in them—that your thoughts and aims do not terminate in yourself alone, but embrace others,—and especially encircle the rising generation. Such a spirit, like heat in the atmosphere, will be diffusive. Others will imbibe it; the indifferent will become interested, and the selfish will begin to feel the impulses of intelligent generosity; parents will become increasingly anxious for the education of their children, and children will become increasingly anxious to be educated. In any neighborhood, both in town and country, where any youth are allowed to grow up uneducated, a Teacher should be an educational missionary, as well as an educational pastor; and every instance of success will add to his influence and means of support, as well as usefulness. No class of men in the country will derive so large an individual advantage from the progress of society as School-teach-



ers, and they ought to be intent in efforts to excite every sentiment and feeling, and to procure and circulate every publication, which will tend to diffuse education and knowledge. A Teacher who folds his arms in slothful inactivity—neither improving in knowledge himself, nor advancing it among others—and yet complaining that no Hercules comes to his relief, deserves neither respect nor assistance; while the Teacher who nobly exerts himself in both acquiring and diffusing knowledge, will receive both emolument and respect, if not admiration and applause.

6. The mutual intercourse of teachers—mutual visits to each others' Schools—forming, and meeting occasionally or periodically in Associations for mutual improvement, and the promotion of professional objects,—which are no other than public interests;—these and kindred measures, in connexion with professional reading and industry, cannot fail to contribute much to the success, enjoyment, and social standing of teachers. Professional friendships will be formed; professional feeling will be enkindled; professional zeal and emulation will be excited; professional skill and usefulness will be improved; and teachers will be more respected by the community at large, by thus evincing proper respect for each other. Faithful teachers have already on their side the enlightened part of the community, the press, the pulpit, and the Legislature. Let them be true to themselves and to their profession. Lord Bacon has said truly—"Every man owes a debt to his profession". On one occasion some weeks since, I felt pained beyond expression, in witnessing certain members of the Bar chiming in with a senseless and shameful clamour against a profession, to members of which the American people have at this moment entrusted every department of their supreme government, and to the intelligence and patriotic advocacy of which Upper Canada is indebted for every vestige of her constitutional and municipal government, and the most valuable statutes of civil and criminal jurisprudence, as well as the largest facilities for public education, and some of the finest examples of personal and social virtues. I hope that no temptation to pander to the passions of prejudice, ignorance, or selfishness, will ever induce you to forget the debt which you owe to your profession. Seek to have it purged of every inebriate, every blasphemer, every ignorant idler who 'cannot teach and will not learn;' and do what in you lies to stamp upon it the character of intelligence and virtue, and make it worthy of that high respect and liberal support which an enlightened people will readily award to able teachers of their offspring.

7. I would also offer a word of caution against discouragement in your work, or disinclination to it, on account of its comparative obscurity. It is true, the circle of your daily labours is narrow, and the results of them are remote ; there is little variety in your employment, and the monotony of it is only varied by quarterly examinations and short vacations. It therefore requires more than ordinary patience, perseverance and benevolence to pursue your work, month after month, and year after year, with unabated zeal and energy. Yet your work is now a public profession, recognized by law, and none but a Teacher examined and licensed according to law, is permitted to receive a farthing of the public School Fund, any more than a person not examined and admitted to the Law Society, is permitted to practice as a Barrister at Law. And the results of the work performed in the humble school-house, though remote, will not be uncertain, and may one day appear in the highest position of a free people's gift, or in the most important affairs of a nation's diplomacy, or in the most honoured relations of parental and social life. The common school-house is the sole educational college for the vast majority of the present youth and future fathers and mothers of our country. That accomplished scholar and elegant writer, Dr. JARED SPARKS, President of Harvard University, traces his early training, and several years of his apprenticeship in teaching, to the common school ; and the great American statesman and orator, DANIEL WEBSTER, is accustomed to refer to the common school as his first *alma mater*, in which was laid the foundation of his future character. Through long months, and in retirement and solitude, the Italian painter occupied his brush on a single piece of canvas ; but that canvas has, age after age, imparted instruction and delight to hundreds of thousands. For years did the Grecian sculptor, in almost exiled seclusion, employ his chisel on a single block of marble ; but that marble has survived the wreck of empires, and still commands the admiration of the refined of all countries. Let the practical philosophy of these facts be engraved upon the heart of every right-minded Teacher, and it will sweeten his toil, and add fresh attractions to every successive year of his increasingly skilful and efficient labours.

I remain, Sir,

Your faithful friend and servant,

E. RYERSON.

[OFFICIAL.]  
**NOTICE TO THE LOCAL SUPERINTENDENTS OF SCHOOLS,  
 AND THE TRUSTEES OF DISTRICT GRAMMAR SCHOOLS THROUGH-  
 OUT UPPER CANADA.**

EDUCATION OFFICE,  
 Toronto, 8th October, 1880.

By the 28th section of the School Act, 13th and 14th Victoria, chapter 48, the Board of Trustees of the Grammar Schools and the Local Superintendents of Schools in each County or Union of Counties, are constituted a Board of Public Instruction for such County, or Union of Counties; and under the authority given in the 35th section, and 4th clause of said Act, I hereby appoint the first meeting of each County Board of Public Instruction to be held on Thursday, the *fourteenth* day of November next, at 10 o'clock, A. M., at the place of the last meeting of the Council of such County, or Union of Counties. When once assembled, the law authorizes each County Board to appoint the times and places of its own meetings.

E. RYERSON,

Chief Superintendent of Schools, U. C.

**CIRCULAR FROM THE CHIEF SUPERINTENDENT OF  
 SCHOOLS TO EACH OF THE COUNTY BOARDS OF PUBLIC INSTRU-  
 CTION IN UPPER CANADA.**

[OFFICIAL.]

EDUCATION OFFICE,  
 Toronto, 8th October, 1880.

GENTLEMEN :—

I transmit you herewith a copy of the Programme for the Examination and Classification of Teachers of Common Schools, which has been adopted by the Council of Public Instruction, as required by the School Act, 13th and 14th Victoria, chapter 48; and I think it proper, at the same time, to make a few explanatory and practical remarks on the subject.

1. You will observe that the standard of qualifications prescribed for each class of Teachers, is extremely *low*;—lower indeed, than in strict propriety it ought to be—lower than it is for Common School Teachers in Ireland—lower than it will doubtless be in Upper Canada in the course of three, or four years. The standard here laid down for *first* class Teachers, will probably soon be applied to *second* class Teachers, and that of *second*, applied to *third* class Teachers, and no persons will be admitted into the public schools as

legally qualified Teachers whose qualifications will not enable them to secure a second class certificate according to the accompanying Programme. But the Council of Public Instruction has had regard to the present circumstances of the country, to the fact that this is the first step which has yet been adopted for establishing an uniform standard and system of examination of teachers throughout Upper Canada. It is painful to think, that there should be a necessity in any part of the Province, to license persons as teachers with no higher qualifications than those required of *third* class teachers in the accompanying Programme ; but it is hoped such a necessity will not long exist : and every teacher of this class should be impressed with the consideration, that if he wishes to be recognized in future years as a legally qualified Teacher of Common Schools, he must apply himself diligently to the acquisition of higher qualifications. The profession of School-teaching can only be efficient, and influential, as the qualifications and character of its members are respectable and elevated. The accompanying Programme states the *minimum* of qualifications required for each class of certificates.

2. But the first, and perhaps most important duty which devolves upon you, is that which precedes an examination into the intellectual qualifications of candidates. The law expressly declares, that "*no certificate of qualification shall be given to any person as Teacher, who shall not furnish satisfactory proof of good moral character.*" This is a vital point on which you are called to pass a conscientious and impartial judgment, before you admit any candidate to an examination. The law of the land thus makes you the moral guardians of the children and youth of your respective counties, as far as depends upon the moral character of their Teachers, the same as the Divine law makes you the guardians of your own children ; and you should certainly license no character to teach the former, whom you would not permit to teach the latter. Many representations have been made to this Department respecting, intemperate, and profane, and Sabbath-breaking Teachers. To what extent these representations are well founded, is not for me to say. But when so many parties have been *individually* authorized to license Teachers, it were not surprising if isolated *individual* firmness should be overcome by the importunity of a candidate in some instances, backed by requests of inconsiderate Trustees. Now, however, you meet in Council ; the candidates come before you on common ground ; you judge of the "moral character" of each by a

common rule ; you are less liable to those plaintive appeals and pleas which have so often been pressed upon the feelings of individual Superintendents and Visitors. I can not but regard it as your special mission to rid the profession of common school teaching of unworthy characters and of wholly incompetent persons, to protect the youth against the poison of a vicious teacher's example, and to lay the foundation for greatly elevating the profession of school teaching, and greatly increasing the efficiency and usefulness of Common Schools. The moral character of teachers involves the deepest interests of our offspring, and the widest destinies of our country. No lax expediency or false delicacy should be permitted to endorse a person of irregular habits or doubtful morals as a "good moral character," and let him loose upon society, authorized and certified as a duly qualified Teacher of its youth. I am sure you will agree with me, that your certificate should state what you believe to be strictly true, and therefore be a guarantee to Trustees of Schools and parents of children, in regard to the moral character and intellectual qualifications of every Teacher whom you shall license.

3. As to your examination of candidates in the several subjects mentioned in the Programme, I had at first intended to have prepared some general questions on each subject, as hints both to examiners and candidates for certificates of different classes ; but on further consideration, I found it would occupy too much space, and might probably be better left to the discretion and judgment of Examiners themselves. I would only suggest, therefore, as all the candidates present at any meeting of a County Board of Examiners will probably be examined in a single class, the candidates entitled to the lower class certificates may be relieved from remaining (except as mere spectators,) at the continuation of the examination of those who are deemed competent to be examined in the subjects prescribed for the higher class certificates ; and that as the object of the examination is, to ascertain not only the nature and extent of the attainments of the candidates, but their capacity to teach others what they know themselves, the examination, in each subject of the programme, should be specially adapted to elicit this primary qualification of a good Teacher, as also his knowledge of school organization, classification, and government.

4. It only remains for me to advert to the mode of calling the first meeting of County Boards of Public Instruction, and of holding

their future meetings. As the mode of calling the first meeting is left as a matter of instruction from this Department (section 35, clause 3.), I have thought it would be most convenient for the members of each County Board to meet about the middle of November, and have appointed that time accordingly. Each County Board once assembled, will ever after, according to law, appoint the times and places of its own meetings. It is submitted, whether the first meeting of each County Board of Public Instruction would examine Teachers at all; whether the members present at such meeting might not consider and determine their mode of proceeding in the admission of candidates to examination, and in the mode of examining them—assigning to one or more members the duty of conducting the examination in each branch or subject prescribed in the Programme; and then appointing the time and place, or times and places for the examination of Teachers—giving due publicity of the same. As but three members of the County Board are required to be present at any meeting for the examination and licensing of Teachers, they might at a general meeting agree to meet in sections of three or four members each at places most convenient for the examination of Teachers for different specified portions of the County—especially if it be large. As by the 15th Section of the Act, the certificates of qualification to Teachers, given by local Superintendents, are valid during the current year, the meetings and proceedings of the County Boards will have reference to 351 and future years.

No branch of a system of public instruction has ever been brought into operation in any country, without much anxious toil; and the efficient commencement of this most important and too long neglected department of our school system, will require no inconsiderable labour and much patient and earnest purpose to promote the welfare of the rising generation. The more serious and difficult part of the task will soon be accomplished, while the results cannot fail to be extensively beneficial, alike upon the application, the aspirations and improvements of Teachers, the character of the Schools, and the progress and interests of the pupils.

I have the honor to be,

Gentlemen,

Your most obedient servant,

E. RYERSON.

## P R O G R A M M E

*Of the Examination and Classification of Teachers of Common Schools, prescribed by the COUNCIL OF PUBLIC INSTRUCTION FOR UPPER CANADA, as required by the Act, 13th and 14th Victoria, chapter 48, section XXXVIII.*

TO BE IN FORCE UNTIL REPEALED OR REVISED BY SAID COUNCIL.

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*N.B.*—Candidates shall not be eligible to be admitted to examination, until they shall have furnished the Examiners with satisfactory evidence of their strictly temperate habits and good moral character.

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### I. QUALIFICATIONS OF THIRD CLASS TEACHERS.

Candidates for certificates as Third Class Teachers, are required :

1. To be able to read intelligibly and correctly any passage from any common reading book.
  2. To be able to spell correctly the words of an ordinary sentence dictated by the Examiners.
  3. To be able to write a plain hand.
  4. To be able to work readily questions in the simple and compound rules of Arithmetic, and in Reduction and Proportion, and be familiar with the principles on which these rules depend.
  5. To know the elements of English Grammar, and be able to parse any easy sentence in prose.
  6. To be acquainted with the elements of Geography, and the general outlines of the Globe.
  7. To have some knowledge of School organization and the classification of pupils.
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### II. QUALIFICATIONS OF SECOND CLASS TEACHERS.

Candidates for certificates as Second Class Teachers, in addition to what is required of candidates for Third Class certificates, are required :

1. To be able to read with ease, intelligence, and expression, and to be familiar with the principles of reading and pronunciation.



2. To write a bold free hand, and to be acquainted with the rules of teaching writing,

3. To know Fractions, Involution, Evolution, and commercial and mental Arithmetic.

*(Female candidates for this class of certificates will only be examined in Practice, and mental Arithmetic.)*

4. To be acquainted with the elements of Book-Keeping.

5. To know the common rules of Orthography, and be able to parse any sentence in prose or poetry which may be submitted; to write grammatically, with correct spelling and punctuation, the substance of any passages which may be read, or any topics which may be suggested.

6. To be familiar with the elements of Mathematical, Physical and Civil or Political Geography, as contained in any School Geography.

### III. QUALIFICATIONS OF FIRST CLASS TEACHERS.

Candidates for certificates as First Class Teachers, in addition to what is required of Candidates for Third and Second Class certificates, are required:

1. To be acquainted with the rules for the mensuration of Superficies and Solids, and the elements of Land Surveying.

2. To be familiar with the simple rules of Algebra, and be able to solve problems in Simple and Quadratic Equations.

3. To know the first four Books of Euclid.

4. To be familiar with the elements and outlines of General History.

5. To have some acquaintance with the elements of Vegetable and Animal Physiology and Natural Philosophy, as far as taught in the Fifth Book of the National Readers.

6. To understand the proper organization and management of Schools and the improved methods of teaching.

*N.B.*—Female candidates for first class certificates will not be examined in the subjects mentioned in the first three paragraphs under this head.

By Order of the Council of Public Instruction for Upper Canada.

J. GEORGE HODGINS,

Recording Clerk.

C. P. I.

EDUCATION OFFICE, TORONTO.

Adopted the 3rd day of October, 1850.



## GENERAL FORM

OF CERTIFICATES OF QUALIFICATION FOR COMMON SCHOOL  
TEACHERS IN UPPER CANADA.

*To be granted by County Boards of Public Instruction, in accordance with the foregoing Programme of Examination.*

**This is to Certify**, that ..... of the ..... faith, having applied to the BOARD OF PUBLIC INSTRUCTION for the County [School Circuit or United Counties] of ..... for a **Certificate of Qualification** to teach a Common School, and having produced "satisfactory proof of good moral character," the BOARD has carefully examined him [or her] in the several branches of study enumerated in the "Qualifications of [third, second, or first, as the case may be] ..... class Teachers," contained in the "PROGRAMME OF THE EXAMINATION AND CLASSIFICATION OF TEACHERS OF COMMON SCHOOLS, PRESCRIBED BY THE COUNCIL OF PUBLIC INSTRUCTION FOR UPPER CANADA," adopted the 3rd day of October, 1850; and having found the said ..... well qualified to teach the several branches therein named, the BOARD, as authorized by the 29th section of the Act, 13th and 14th Victoria, chapter 48, hereby licenses him [or her] to teach any Common School in the ..... [If a first class Certificate, here insert the name of the County, School Circuit, Union of Counties, or City; if a second class Certificate, the name of the Township; and if a third class Certificate, the name of the School Section in which the Candidate is authorized to teach,—to be determined, at the discretion of the Board.]

**This Certificate of Qualification** to remain in force [for one year from the date hereof, or until annulled according to law—to be determined by circumstance, and the class of the Certificate granted.]

DATED this ..... day of ....., one thousand eight hundred and .....

**N.B.**—Each Certificate should be signed by the Chairmen of the Board, and must also have the signature of a Local Superintendent of Schools. See 2nd clause of the 29th section of the Act.

**ERRATUM**

Page 44, twenty-first line from the top, for "authorized" read "unauthorized."

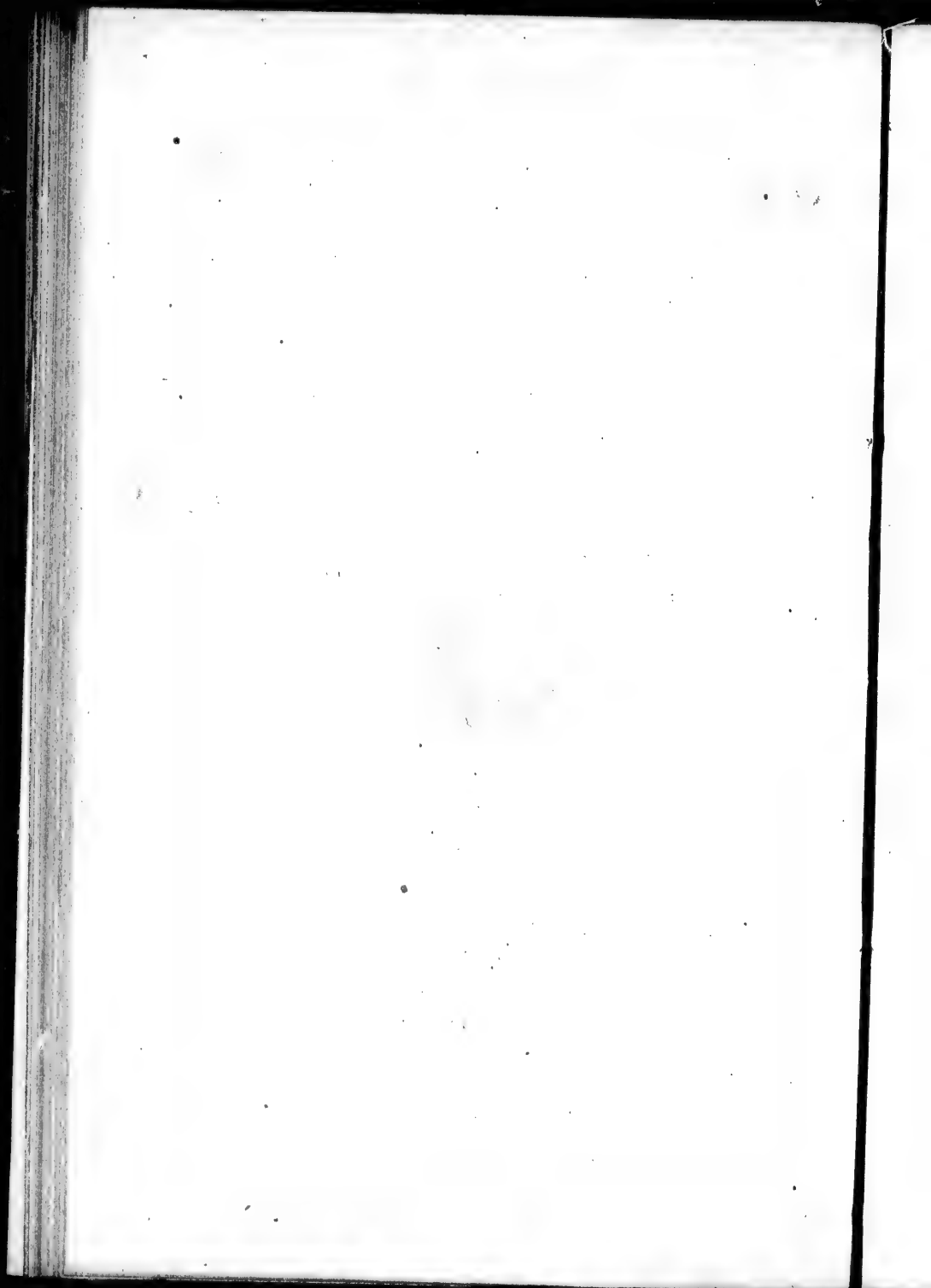
**AN ACT**  
**Supplementary to the Common School Act**  
**FOR**  
**UPPER CANADA;**

**TOGETHER WITH THE**  
**CIRCULARS ADDRESSED TO VARIOUS OFFICERS CONCERNED IN**  
**THE ADMINISTRATION OF THE SCHOOL LAW:**

**BY THE**  
**Chief Superintendent of Schools.**



**TORONTO:**  
**PRINTED FOR THE DEPARTMENT OF PUBLIC INSTRUCTION FOR UPPER CANADA,**  
**BY LOVELL AND GIBSON,**  
**1853.**



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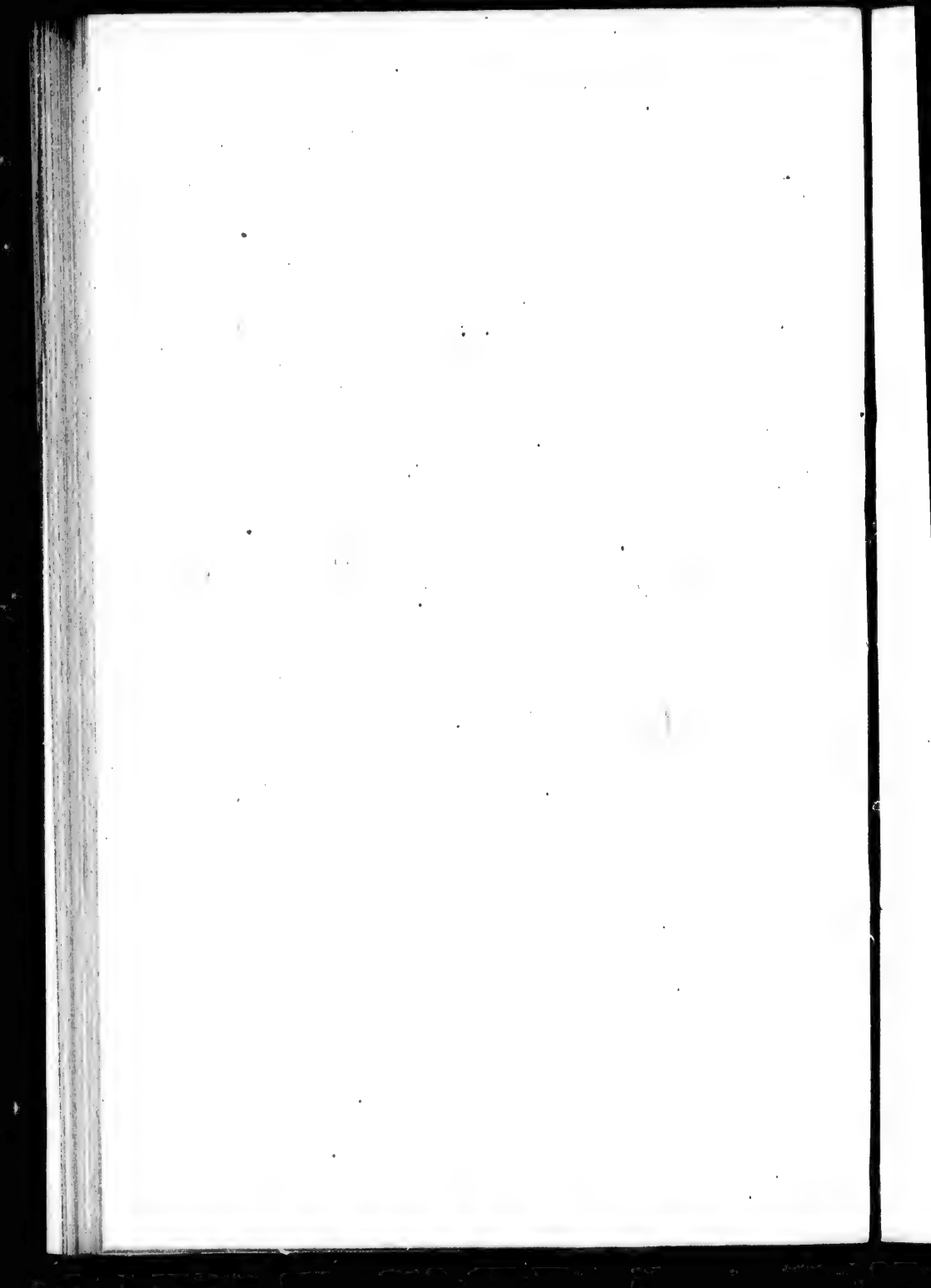
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## GENERAL REMARKS.

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### THE ACT SUPPLEMENTARY TO THE COMMON SCHOOL ACT FOR UPPER CANADA

Is destined, in our opinion, to exert a more powerful influence in extending and elevating the system of Elementary Education in Upper Canada, than any School Act, which has preceded it.

We will not here repeat the remarks which have been made on the several provisions of this Act in the Circulars accompanying this notice, addressed to County Councils, Local Superintendents, and Trustees of Common Schools. We will offer in this place a few general observations:—

1. We observe, in the first place, that the Supplementary Act does not repeal or alter any of the general provisions of the School Act of 1850, but provides for wants which the progress of the school system has created, and remedies defects which observation and experience have detected. The one act does not supersede, but supplements the other. The latter act is the completion of the former. The two form a whole.

2. By the provisions of the latter act, combined with those of the former, the whole system of Elementary Instruction in Upper Canada is placed upon a broad, deep, and permanent foundation. An addition of one-sixth is made to the Legislative School Grant for Upper Canada; the completion and support of the Normal School are fully provided for; provision is made for the gratuitous circulation of the *Journal of Education* to all the School Sections and School Superintendents in Upper Canada; an annual sum is granted to commence a Provincial Museum and Library; the commencement of an annual fund is made for the support of superannuated or worn-out School Teachers,—a provision of the utmost importance towards establishing and elevating the noble profession of school teaching.



3. The office of School Trustee is invested with great power ; and is, therefore, one of great respectability as well as of responsibility. The effect will soon be the selection of the best qualified men in each School Division to this vitally important and powerful office. Motives of economy will dictate this, no less than regard for the interests of the rising generation. Many ignorant men, feeling their own deficiencies, would do good as School Trustees, if they knew how. Educated Trustees can manage a school and its interests more economically, as well as more efficiently, than uneducated Trustees. A school must be kept open in each School Section six months in each year by a legally qualified Teacher, or the Trustees of such Section incur personally the forfeiture of the amount of the School Fund apportioned to such Section for the year. No opposition of individuals or of meetings can prevent Trustees from levying and collecting, from time to time, such sum or sums as they may think necessary for school purposes; and the most formidable obstruction which can be erected in any School Section against the general attendance of pupils at School, is the voting of a rate-bill of one shilling and three pence a month, or about three pence half-penny a week, for each pupil,—a charge too small to prevent a full attendance of pupils at every well-taught and well-furnished school.

4. The several sections of the supplementary Act which remove doubts as to certain provisions of the School Act of 1850, which secure to each school division the advantage of all the taxable property situated within its limits, and the collection of all rates on the lands of absentees, which provide for proper descriptions of all school sections in each township, which relate to disturbances of schools and law-suits, &c. &c., cannot fail to be eminently promotive of the interests of schools.

5. The same remark may be made in regard to the 4th section of the Supplementary Act which relates to separate schools. It will be seen by this section. 1. That no separate school can be established or continued, otherwise than on the conditions and under the circumstances specified in the 19th section of the School Act of 1850. 2. That no part of any Municipal Assessment can be applied, and no Municipal Authority or officer can be employed to collect rates for the support of any separate school—a great restriction and improvement in the School Law, as it has hitherto existed on this subject. 3. That if any persons, whether Roman Catholic or Protestant, demand a sep-

arate School in the circumstances under which it may be allowed, they must tax themselves for its support, and they must make returns of the sums they raise, and the children they teach—a regulation which has not heretofore been required, but which is rendered necessary in order to make out the School Assessment roll, and to determine the School Collector's duties. 4. That separate Schools are subject to the same inspections and visits as are all Common Schools. 5. That all ground and semblance of a complaint of injustice is taken away from the supporters of a separate School, while they cannot any longer employ Municipal authority and Municipal assessments for sustaining their school. 6. That the supporters of separate Schools cannot interfere in the affairs of the Public Schools.

If separate Schools have not hitherto endangered our School system, there is still less danger of their being able to do so under the Supplementary Act, the provisions of which put it out of the power of any opposers to shake the foundations of that system, or get up a plausible pretext of agitation against it on the plea of religion or justice. The withdrawalment of a few persons, here and there, from the support of the public schools, will scarcely be felt by the people at large, even in a pecuniary sense, while they will have the advantage of making the public schools more perfectly what they wish them to be in a religious and moral point of view.

Upon the whole we anticipate the happiest results from the operations of the Supplementary School Act, and recommend its attentive perusal by all friends of universal education, and its careful study by all councillors, superintendents, and trustees of schools in Upper Canada.

ANNO SEXTO-DECIMO, VICTORIÆ REGINÆ, CAPUT CLXXX.

## II. AN ACT SUPPLEMENTARY TO THE COMMON SCHOOL ACT OF UPPER CANADA.

[Received Royal Assent, 14th June, 1853.]

Preamble.

**W**HEREAS it is expedient to make some further provision for the improvement of Common Schools in Upper Canada, and to modify and extend some of the provisions of the Act passed in the session held in the thirteenth

13 and 14 Victoria, ch. 48, cited.

Title of

and fourteenth years of Her Majesty's Reign, chaptered forty-eight, and intituled, *An Act for the better establishment and maintenance of Common Schools in Upper Canada*, hereinafter called "the Upper Canada School Act of 1850:" Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That the Board of School Trustees in each

Power of City, Town, and Village trustees extended.

City, Town and incorporated Village, shall, in addition to the powers with which they are now legally invested, possess and exercise, as far as they shall judge expedient, in regard to each such City, Town and incorporated Village, all the powers with which the Trustees of each School Section are or may be invested by law in regard to each such School Section: \* Provided always, that the Chairman of each such Board of School Trustees shall be elected by the Trustees from their own number, and shall have a right to vote at all times, and in case of an equality of votes, the maxim *presumitur pro negante* [it is decided in the negative] shall prevail.

Powers of the Chairman of the Board.

Election, Second Wednesday in January.

II. And be it enacted, that in any Village or Town not divided into Wards in Upper Canada, which shall become incorporated according to Law,

\* See Pamphlet Edition of the School Act of 1850, p. 23, sec. XXI.

an Election of a Board of School Trustees for such Village or Town shall take place at the time specified in the second section of the said Upper Canada School Act of 1850; Provided always, that the first Election of such Board of School Trustees shall be called by the Returning Officer appointed to hold the first Municipal Election in such Village or Town, or in case of his neglecting to do so for one month, by any two Freeholders in such Village or Town, on giving six days' notice in at least three public places in such Village or Town; Provided, also, that all Elections of School Trustees that have taken place in Villages and Towns not divided into Wards, which have been incorporated since one thousand eight hundred and fifty, shall be and are hereby confirmed, and the acts of Boards of School Trustees so elected in such Villages and Towns, are hereby made as valid as if such Boards had been elected for Villages and Towns incorporated before one thousand eight hundred and fifty; Provided likewise, that in the words "two years" which occur in the second proviso of the twenty-fifth section of the said Act,\* the word "three" shall be substituted for the word "two," and the said proviso shall be held to have and to have had effect as if the word "three" had been originally inserted therein instead of the word "two;" Provided, nevertheless, that the twenty-fifth and twenty-sixth sections of the said Act shall be construed to apply to all such Boards of School Trustees.

First Election to be called by Municipal Returning Officer.

Proviso— or, in default, by two Freeholders.

Proviso—Former Election confirmed.

School Act, 1850, error in Proviso 2 of Sec. 25 corrected.

Proviso.

III. And be it enacted, That in case an objection be made to the right of any person to vote at an Election of a School Trustee or Trustees in any City, Town, or Incorporated Village, or upon any other subject connected with School purposes, the Returning Officer presiding at such Election shall require the person whose right of voting is thus objected to, to make the following declaration:—

Declaration to be made by person to whose vote objection is made.

"I do declare and affirm that I have been rated  
"on the Assessment-Roll of this City (Town or  
"Village, as the case may be) as a Freeholder (or Householder, as

Form.

\* See Pamphlet Edition of the School Act of 1850, p. 27, sec. XXV.

"*the case may be*), and that I have paid a public School tax in "*this Ward, (or Village, as the case may be)*", within the last "*twelve months, and that I am legally qualified to vote at this "Election."*

And the person making such declaration shall be permitted to vote :

Proviso: Penalty  
for false declara-  
tion.

Provided always, that any person who shall, on the complaint of any person, be convicted of wilfully making a false declaration of his right to vote, shall be deemed guilty of misdemeanor, and punishable by fine and imprisonment in the manner provided for similar cases in the seventh section of the said Upper Canada School Act of 1850.\*

## II. SEPARATE SCHOOLS.

Persons sending  
children to or  
subscribing a cer-  
tain amount to  
separate schools  
to be exempted  
from Common  
School rates.

IV. And be it enacted, That in all Cities, Towns and incorporated Villages and School Sections, in which separate Schools do or shall exist according to the provisions of the Common School Acts of Upper Canada,† persons of the religious persuasion of each such separate School, sending children to it, or supporting such School by subscribing thereto annually an amount equal to the sum which each such person would be liable to pay (if such separate School did not exist) on any assessment to obtain the annual Common School grant for each such City, Town, incorporated Village or Township, shall be exempted from the payment of all Rates imposed for the support of the common public Schools of each such City, Town, incorporated Village or School Section, and of all Rates imposed for the purpose of obtaining the Legislative Common School Grant for such City, Town, incorporated Village or Township; and each such separate School shall share in such Legislative Common School Grant only (and not in any School money raised by Local Municipal Assessment) according to the average attendance of pupils attending each such separate School, (the mean attendance of pupils for winter and summer being taken) as compared with the whole average attendance of pupils attending the Common Schools in each such City, Town, incorporated Village or Township; and a certificate of qualification signed by the majority of the

Separate Schools  
to share in Legis-  
lative Sch. Grant  
according to ave-  
rage attendance.

\* See Pamphlet Edition of the School Act, 1850, p. 9.

† Ibid., page 21, section XIX.; also 14 and 15 Victoria, chapter 111.

Trustees of such separate School shall be sufficient for any Teacher of such School; Provided always, firstly, that the exemption from the payment of such School Rates, as herein provided, shall not extend beyond the period of such persons sending children to or subscribing as aforesaid for the support of such separate School; nor shall such exemption extend to School rates or taxes imposed or to be imposed to pay for School-houses, the erection of which was undertaken or entered into before the establishment of such separate School; Provided secondly, that the Trustees of each such separate School shall, on or before the thirtieth day of June, and thirty-first day of December of each year, transmit to the local Superintendent, a correct return of the names of all persons of the religious persuasion of such separate School, who shall have sent children to or subscribed as aforesaid for the support of such separate School during the six months previous, and the names of the children sent, and amounts subscribed by them respectively, together with the average attendance of pupils in such separate School during such period; And the Superintendent shall forthwith make a return to the Clerk of the Municipality and to the Trustees of the School Section or Municipality in which such separate School is established, stating the names of all the persons who, being members of the same religious denomination, contribute or send children to such separate School, and the Clerk shall not include in the Collector's Roll for the general or other School Rate, and the Trustees or Board of Trustees shall not include in their School Rolls, except for any rate for the building of School-houses undertaken before the establishing of such separate School as herein mentioned, the name of any such person as appears upon such return then last received from the said Superintendent: And the Clerk or other Officer of the Municipality within which such separate School is established, having possession of the Assessor's or Collector's Roll of the said Municipality, is hereby required to allow any one of the said Trustees, or their authorized Collector, to make a copy of such Roll as far as it shall relate to their School Section; Provided thirdly, that the provisions

1st proviso—Exemptions from the payment of C. School Rates.  
Conditional Exception.

2d proviso—Returns from Separate Schools to local Superintendent. Names of supporters—names of children—amount subscribed.

Local Superintendent to make return to Clerk of Municipality.

Clerk shall not include the supporters of separate Schools in Collector's Roll.

Access to Roll allowed.

**3rd Proviso.**

Seet. 13 School Act, 1850, shall apply to separate Schools.

Provided fourthly,

**4th Proviso.**

Trustees of separate Schools to be a corporation.

Their power to collect rates, &c.

**5th Proviso.**

To have effect from Jan., 1853.

**6th Proviso.**

Supporters of separate Schools not permitted to vote for Common School Trustees.

Election of any Trustee for a public Common School in the City, Town, incorporated Village or School Section within the limits of which such separate School shall be situate.

### III. COMMON SCHOOL TRUSTEES.

V. And be it enacted, That the Trustees of each School Section shall, on or before the thirtieth day of June, and the thirty-first day of December in each year, transmit to the local Superintendent, a correct return of the average attendance of pupils in the School or Schools under their charge during the six months then immediately preceding; nor shall any School Section be entitled to the apportionment from the School Fund for the said six months, the Trustees and Teacher of which shall neglect to transmit a verified statement of such average atten-

\* See pamphlet edition of the School Act, 1850, page 16.

† Ibid, page 12 and 13, 7th to 11th clauses of the 12th section.



dance of pupils in their School or Schools; Provided always, that nothing herein contained shall be construed to repeal the provisions of the thirty-first section of the said Upper Canada School Act of 1850.\*

Proviso.

VI. And be it enacted, That the Trustees of each School Section shall have the same authority to assess and collect School Rates for the purpose of purchasing School sites and the erection of School Houses, as they are now or may be invested with by law to assess and collect Rates for other School purposes: Provided always, that they shall take no steps for procuring a School site on which to erect a new School House, or changing the site of a School House established, or that may be hereafter established, without calling a Special Meeting of the Freeholders and Householdors of their Section to consider the matter; and if a majority of such Freeholders and Householdors present at such Meeting, differ from a majority of the Trustees as to the site of a School House, the question shall be disposed of in the manner prescribed by the eleventh section of the said Upper Canada School Act of 1850:† Provided that such Trustees shall, whenever they impose any rate for School purposes, make a return to the Clerk of the Municipality of the amount of the rate so imposed by them.

C. School Trustees may assess for sites and School-houses.

Proviso.

Must call a Special Meeting therefor.

VII. And be it enacted, That the Trustees of each School Section shall see that each School under their charge is, at all times, duly provided with a Register and Visitor's Book, in the form prepared according to law.

Register and Visitors' Book to be provided by Trustees.

VIII. And be it enacted, That the Trustees of each School Section shall have authority to take such steps as they may judge expedient to unite their School with any public Grammar School, which shall be situated within or adjacent to the limits of their School Section.

Union of Common with Grammar Schools.

IX. And be it enacted, That the Trustees of each School Section, shall be personally responsible for the amount of any School moneys which shall

Personal responsibility of Trustees in case of neglect of duty.

\* See pamphlet edition of the School Act of 1850, pp. 81-85.

† Ibid, page 10.



be forfeited and lost to such School Section during the period of their continuance in office, in consequence of their neglect of duty ; and the amount thus forfeited or lost shall be collected and applied in the manner provided by the ninth section of the said Upper Canada School Act of 1850, for the collection and application of the fines imposed by the said section.\*

Penalty on Trustees for delaying their Annual Report.

X. And be it enacted, That the Trustees of each School section shall each personally forfeit the sum of One Pound Five Shillings for each and every week that they shall neglect, after the thirty-first day of January in each year, to prepare and forward to their local Superintendent of Schools, their School Report, as required by law, for the year ending the thirty-first of December immediately preceding ; and which sum or sums thus forfeited, shall be sued for by such local Superintendent, and collected and applied in the manner provided by the ninth section of the said Upper Canada School Act of 1850.\*

Agreements with teachers not valid in certain cases.

XI. And be it enacted, That no agreement between Trustees and a Teacher in any School Section, made between the first of October and the second Wednesday in January, shall be valid or binding on either party after the second Wednesday in January then next, unless such agreement shall have been signed by the two Trustees of such School Section, whose period of office shall extend to one year beyond the second Wednesday of January, after the signing of such agreement.†

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\* See pamphlet edition of the School Act of 1850, page 10.

† All agreements between trustees and a teacher must be signed by at least two of the trustees, and the teacher ; and must have the *corporate seal* of the section attached to it, otherwise the trustees may be made *personally responsible* for the fulfilment of their agreement, should they be sued by the teacher. It should also be entered in the trustees' book, and a copy of it given to the teacher. The trustees being a corporation, their agreement with their teacher is binding on their successors in office, if made in accordance with the foregoing section ; and should they refuse or wilfully neglect to exercise the corporate powers vested on them, they would be personally liable for the amount due a teacher—see sixteenth clause of the twelfth section of the School Act of 1850. As to the mode of settling disputes between trustees and a teacher, see the seventeenth section of the Act of 1850, (pamphlet edition, page 18), in connection with the fifteenth section of this Act.—See *Chief Superintendent's Annual Report for 1851, page 208.*

XII. And be it enacted, That any person residing in one School Section, and sending a child or children to the School of a neighboring School Section, shall nevertheless be liable for payment of all rates assessed for the School purposes of the Section in which he resides, the same as if he sent his child or children to the School of such Section; and such child or children shall not be returned as attending any other than the School of the Section in which the parents or guardians of such child or children reside; but this clause shall not be held to apply to persons sending children to or supporting separate schools, or to prevent any person who may be taxed for Common School purposes on property situate in a different School Section from that in which he resides, from sending his children to the School of the Section in which such property may be situate, on as favorable terms as if he resided in such Section.

Liability of persons sending children from other sections than the one in which they reside; how regulated.

Such attendance, how reported.

Exception in certain cases.

XIII. And be it enacted, That no rate shall be imposed upon the inhabitants of any School Section according to the whole number of children, or to the number of children of legal school age, residing in such section; but all the School expenses of such section shall be provided for by any or all of the three authorized methods of voluntary subscription, rate-bill for each pupil attending the School, or by rate upon property: Provided always, that no rate-bill shall be imposed exceeding One Shilling and Three Pence per month for each pupil attending the School.

No rate per capita shall be imposed upon children.

How school expenses shall be provided.

No rate-bill shall exceed 1s. 3d. per month.

#### IV. LOCAL SUPERINTENDENTS OF SCHOOLS.

XIV. And be it enacted, That any person who has been or may be appointed Local Superintendent of Schools, shall continue in office (unless he resigns or is removed from office for neglect of duty, improper conduct, or incompetency) until the first day of April of the year following that of his appointment: Provided always, that no Local Superintendent shall be a Teacher or Trustee of any Common School during the period of his being in office: Provided, secondly, that no Local

Local Supts. to continue in office till April or longer.

1st proviso. Shall not be a Teacher or Trustee.

Powers and obligations.

2d Proviso—Re-  
lating to Visits.

Superintendent shall be required unless he shall judge it expedient (except with a view to the adjustment of disputes), or unless directed to do so by the Municipality appointing him, to make more than two official visits to each School Section under his charge, one of which visits shall be made some time between the first of April and the first of October, and

3d Proviso—Ap-  
portionment to  
Union Schools.

the other sometime between the first of October and the first of April: Provided, thirdly, that the Local Superintendents of adjoining Townships shall have authority and are hereby required to determine the sum or sums which shall be payable from the School apportionment and assessment of each Township in support of Schools of Union School Sections consisting of portions of such Townships; and they shall also determine the manner in which such

4th Proviso.

sum or sums shall be paid: Provided, fourthly, that in the event of one person being Local Superintendent of both of the Townships concerned, he shall act in behalf of such Townships; and in the event of the Local Superintendents of Townships thus concerned not being able to agree as to the sum or sums to be paid to each such Township, the matter shall be referred

5th Proviso—Spe-  
cial School Sec-  
tion Meetings.

to the Warden of the County or Union of Counties for final decision: Provided, fifthly, that each Local Superintendent of Schools shall have authority to appoint the time and place of a Special School Section Meeting, at any time and for any lawful purpose, should he deem it expedient to do so: Provided, sixthly, that each Local Superintendent of Schools shall have authority, within twenty days after any

6th Proviso—In-  
vestigating Elec-  
tion Complaints.

meeting for the Election of Common School Section Trustees within the limits of his charge, to receive and investigate any complaint respecting the mode of conducting such Election, and to confirm it or set it aside, and appoint the time and place of a new

7th Proviso—Spe-  
cial and limited  
certificates to  
Teachers.

Election, as he shall judge right and proper: Provided, seventhly, that each Local Superintendent shall have authority, on due examination (according to the programme authorized by law for the examination of Teachers),\* to give any candidate a certificate of qualification to teach a School within the limits of the charge of

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\* See pamphlet edition of the Act of 1850, pp. 101-103.

such Local Superintendent, until the next ensuing meeting (and no longer) of the County Board of Public Instruction of which such Local Superintendent is a Member; but no such certificate of qualification shall be given a second time, or shall be valid, if given a second time to the same person in the same County: Provided, eighthly, that in the event of a Local Superintendent of Schools resigning his office, the Warden of the County or Union of Counties within such Superintendent shall have held office, shall have authority, if he shall deem it expedient, to appoint a fit and proper person to the office thus vacated until the next ensuing meeting of the Council of such County or Union of Counties.

8th Proviso—  
Warden may fill  
vacancy in office  
of Local Supt.

## V. MISCELLANEOUS PROVISIONS.

XV. And be it enacted, That the last proviso of the seventeenth Section of the Upper Canada School Act of 1850, shall be and is hereby repealed; \* And be it also enacted, That the Arbitrators mentioned in the said seventeenth Section of the said Act, shall have authority to administer oaths to and to require the attendance of all or any of the parties interested in the said reference, and of their witnesses, with all such books, papers and writings as such Arbitrators may require them or either of them to produce; and the said Arbitrators, or any two of them, may issue their warrant to any person to be named therein, to enforce the collection of any sum or sums of money by them awarded to be paid, and the person named in such warrant shall have the same power and authority to enforce the collection of the money or moneys mentioned in the said warrant, with all reasonable costs, by seizure and sale of the property of the party or corporation against whom the same is rendered, as any Bailiff of a Division Court has in enforcing a judgment and execution issued out of such Court; and no action shall be brought in any Court of Law or Equity, to enforce any claim or demand which by the said seventeenth Section of the said in part recited Act, may be referred to arbitration as therein mentioned.

Last Proviso of  
17th section of C.  
School Act of  
1850 repealed.

Arbitrators be-  
tween Teachers  
and Trustees in-  
vested with full  
powers to decide  
disputes.

XVI. And be it enacted, That whenever the lands or property

\* See pamphlet edition of the Common School Act of 1850, page 18.

of any individual or company shall be situate within the limits of two or more School Sections, it shall be the duty of each Assessor appointed by any Municipality, to assess and return on his Roll, separately, the parts of such lands or property according to the divisions of the School Sections within the limits of which such lands or property may be situate: Provided always, that every undivided occupied lot or part of a lot shall only be liable to be assessed for School purposes in the School Section where the occupant resides.

Assessors shall separately assess property within the limits of School Sections.

Proviso.

Township Councils shall not collect more than one School rate per year except for sites and School Houses.

Application from trustees for rates shall be made before August.

Proviso in regard to Union Sections

is situated within the limits of its jurisdiction, into a distinct School Section, or attach it to one or more existing School Sections or parts of Sections, as such Council shall judge expedient.†

XVIII. And be it enacted, That for and notwithstanding anything contained in the Upper Canada School Act of 1850,‡ the Chief Superintendent of Schools shall have authority to direct the distribution of the Common School Fund of any Township, among the several School Sections and parts of Sections entitled to share in the said Fund, according to the length of time in each year, during which a School shall have been kept open by a legally qualified Teacher in each of such Sections or parts of Sections.

Chief Supt. may direct the distribution of the C. S. Fund according to the length of time a School is kept open.

\* See pamphlet edition of the Common School Act of 1850, page 18.

† Ibid, page 21.

‡ Ibid, page 32, 1st clause, 31st section.

XIX. And be it enacted, That if any person shall wilfully disturb, interrupt or disquiet any Common or other Public School, by rude or indecent behaviour, or by making a noise either within the place where such School is kept or held, or so near thereto as to disturb the order or exercises of such School, such person shall, on conviction thereof before any Justice of the Peace, on the oath of one or more credible witnesses, forfeit and pay such a sum of money not exceeding Five Pounds, together with the costs of and attending the conviction, as the said Justice shall think fit; such conviction and all other convictions before a Justice or Justices of the Peace under this Act or the Upper Canada School Act of 1850, and the costs thereof, to be levied and collected from the offender, who, in default of payment, may be imprisoned for any time not exceeding thirty days, unless such fine and costs, and the reasonable expenses of endeavoring to collect the same, shall be sooner paid.\*

Penalty for disturbing any Public School.

£5 and costs.

Authority of J.P. under the Com. School Acts.

XX. And be it further enacted, That the Certificates of Qualification which have heretofore been granted to Teachers of Common Schools by any County or Circuit Board of Public Instruction in Upper Canada, or at any meeting of any Members not less than three of the Members of such Boards, and which have not been cancelled, shall at all times be considered as duly and legally granted, notwithstanding any want of notice to the several Members of the said Board, of the times and places of meeting for the purpose of granting such certificates, and notwithstanding any other want of form in the organizing or conducting of the business of any such County or Circuit Board; and any certificate purporting to be granted by any such Board, or any three Members thereof, and having the signature of at least one Local Superintendent of Schools, shall be considered a good and valid certificate of qualification, according to the effect thereof, until the same shall be annulled.

Validity of Certificates granted to Teachers under certain circumstances recognized, and proceedings of Board of Public Instruction confirmed.

XXI. And whereas doubts have arisen whether the Trustees of any School Section, or the Board of School Trustees of any City, Town or Village, can appoint any one or more of their own number, Collector or Collec-

Recital.

Power of C. S. Trustees to ap-

\* See pamphlet edition of the C. S. Act of 1850, section 46, page 44.

point one of  
themselves Col-  
lector, confirmed.

tors of School rates;\* For the removal thereof, Be it enacted, That it shall and may be lawful for the Trustees of any School Section, or the Board of School Trustees in any City, Town or incorporated Village, to appoint one or more of their number a Collector or Collectors to collect the School rates of any such Section, City, Town or Village.

**XXII.** And be it enacted, That if the Collector appointed by the Trustees of any School Section, shall have been unable to collect that portion of any School rate which was charged on any parcel of land liable to assessment, by reason of there being no person resident thereon, or no goods and chattels to distrain, the Trustees shall make a return to the Clerk of the Municipality before the end of the then current year, of all such parcels of land and the uncollected rates thereon; and the Clerk shall make a return to the County Treasurer of all such lands and the arrears of School rates thereon, and such arrears shall be collected and accounted for by such Treasurer in the same manner as the arrears of other taxes; and the Township, Village, Town or City in which such School Section is situate, shall make up the deficiency arising from the uncollected rate on lands liable to assessment, out of the General Funds of the Municipality.

**XXIII.** And be it enacted, That whatever additional sum or sums of money may be payable to Upper Canada out of the Legislative School Grant, or may be granted during the present session of this Parliament for Common School purposes in Upper Canada, shall be expended in the following manner: Firstly, a sum of not less than Four Thousand Pounds shall be apportioned and expended for the support of Common Schools, as provided in the thirty-fifth Section of the Upper Canada School Act of 1850; Provided always, that not more than Five Hundred Pounds of the said sum may be expended in special aid of Common Schools in new and poor Townships; Secondly, a sum not exceeding One Thousand Pounds per annum shall be expended in further support of the Normal and Model Schools for Upper Canada, and in supplying a copy of the

£4000 per annum  
additional to be  
apportioned to C.  
Schools in U. C.

£1000 per annum  
additional in aid  
of Normal School  
supplying the  
Normal of Edu-

\* See 2nd clause of the 12th Section of the School Act of 1850, pamphlet edition, page 11: and 7th clause of the 24th Section, page 25.



*Journal of Education* to each School Corporation and each Local Superintendent of Schools in Upper Canada: Provided always, that not more than Four Hundred and Fifty Pounds of the said sum shall be expended in the circulation of the *Journal of Education*; and the balance of such sum shall be expended as provided for in the thirty-eighth Section of the Upper Canada School Act of 1850; Thirdly, a sum not exceeding Five Hundred Pounds per annum may be expended by the Chief Superintendent of Schools in the purchase, from time to time, of Books, Publications, Specimens, Models and Objects, suitable for a Canadian Library and Museum, to be kept in the Normal School Buildings, and to consist of Books, Publications, and Objects, relating to Education and other departments of Science and Literature, and Specimens, Models, and Objects illustrating the Physical Resources and Artificial Productions of Canada, especially in reference to Mineralogy, Zoology, Agriculture, and Manufactures; Fourthly, a sum not exceeding Five Hundred Pounds per annum, shall be applied towards forming a fund for the support of superannuated or worn-out Common School Teachers in Upper Canada, under such regulations as may be adopted, from time to time, by the Council of Public Instruction, and approved of by the Governor in Council: Provided always, that no Teacher shall be entitled to share in the said fund who shall not contribute to such fund at least at the rate of One Pound per annum, for the period of his teaching School, or receiving aid from such fund, and who shall not furnish satisfactory proof to the Council of Public Instruction, of inability, from age or loss of health in teaching to pursue that profession any longer; Provided also, that no allowance to any superannuated or worn-out Teacher shall exceed the rate of One Pound Ten Shillings for each year that such Teacher shall have taught a Common School in Upper Canada.

XXIV. And whereas it is highly desirable that uniformity of decision should exist in cases that may arise triable in the Division Courts, against and between Superintendents, Trustees, Teachers and others acting under the provisions of the Common School

ention to each School Corp., &c.

Proviso.

*Journal of Education*; and

£500 per annum appropriated to a Canadian Museum in Normal School buildings.

£500 per annum towards forming a fund for superannuated C. S. teachers.

Proviso.

Proviso—An allowance to worn out teachers.

Recital—Chief Supt. may appeal from decisions of Division Courts in School matters to the superior courts of common law at Toronto.



**Acts of Upper Canada**—Be it therefore enacted, That the Chief Superintendent of Schools for Upper Canada, may, within one month after the rendering of any Judgment, in any of the said Courts, in any case arising as aforesaid, appeal from the decision of any Judge of the said Courts to either of the Superior Courts of Law, at Toronto, by serving notice, in writing, of such his intention to do so, upon the Clerk of such Division Court, which Appeal shall be entitled "The Chief Superintendent of Schools for Upper Canada, Appellant, in the matter between (A. B. and C. D.);" and it shall be the duty of the Judge of the said Court, to certify under his hand, to either of the Superior Courts aforesaid, as the case may

**Mode of proceeding.** be, the summons and statement of claim and other

**leg.** proceedings in the case, together with the evidence and his own Judgment thereon, and all objections made thereto; whereupon the same matter shall be set down for argument at the next term of such Superior Court, which Court shall give such Order or direction to the Court below, touching the Judgment to be given in such matter, as the law of the land and equity shall require, and shall also award costs in their discretion, against the Appellant, which costs shall be certified to and form part of the Judgment of the Court below; and upon receipt of such Order, direction, and certificate, the Judge of the Division Court shall

**Proviso**—Costs to be paid by Education Office, Upper Canada.

**Division Court** proceedings to be stayed in case of appeal.

forthwith proceed in accordance therewith; Provided that all costs awarded against the Appellant, and all costs incurred by him, shall be payable by the the Chief Superintendent, and the amount chargeable to the Contingencies of his Office: And the Judge presiding over any Division Court wherein any action of the kind referred to in this section is brought, may order the entering of judgment to be delayed for a sufficient time to permit either party to apply to the Chief Superintendent of Schools to appeal such case, and after Notice of Appeal is served as herein provided, no further proceedings shall be had in such case until the matter of the Appeal shall be decided by such Superior Court.

**Township clerks** to prepare Map of township in duplicate showing the Sch. Sections & Unions of Sections.

**XXV.** And be it enacted, That it shall be the duty of the Clerk of each Township Municipality to prepare in duplicate a Map of the Township, showing the divisions of the Township into School Sections and parts of Union School Sections, one copy

of which shall be furnished to the County Clerk for the use of the County Council, and the other shall be retained in the Township Clerk's Office, for the use of the Township Municipality.

Where deposited

XXVI. And be it enacted, That such of the provisions of the Upper Canada School Act of 1850, as are contrary to the provisions of this Act, shall be and are hereby repealed.

Enactments inconsistent with this Act to be repealed.

XXVII. And be it enacted, That the provisions of this Act shall apply to all School affairs and to all persons referred to in the said provisions, for the present year one thousand eight hundred and fifty-three.

This Act to apply to 1853.

XXVIII. And be it enacted, That in citing or otherwise referring to the said Act passed in the Session held in the thirteenth and fourteenth years of Her Majesty's Reign, and intituled, *An Act for the better establishment and maintenance of Common Schools in Upper Canada*, it shall be sufficient to designate it as "The Upper Canada School Act of 1850," and that in citing or otherwise referring to this Act, it shall be sufficient to designate it as "The Upper Canada Supplementary School Act of 1853;" and that in citing or otherwise referring to the said Acts generally, or to them and to any other Act or Acts relative to Common Schools, which may at the time of such citation or reference be in force in Upper Canada, it shall be sufficient to use the expression, "The Common School Acts of Upper Canada."

Short Titles to C. S. Acts of Upper Canada.

LAN ACT

ANNO QUARTO-DECIMO ET QUINTO-DECIMO, VICTORIÆ REGINÆ,  
CAPUT CXI.

### III. SEPARATE SCHOOLS IN CITIES AND TOWNS.

AN ACT TO DEFINE AND RESTORE CERTAIN RIGHTS TO PARTIES  
THEREIN MENTIONED.

[Received the Royal Assent, 30th August, 1851.]

**Preamble.**

13th and 14th  
Victoria, chapter  
43, cited.

**W**HEREAS it is expedient to remove doubts which have arisen in regard to certain provisions of the nineteenth section of an Act passed in the thirteenth and fourteenth years of her Majesty's Reign, and intituled *An Act for the better Establishment and Maintenance of Common Schools in Upper Canada*; and whereas it is inexpedient to deprive any of the parties concerned of rights which they have enjoyed under preceding School Acts for Upper Canada: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the

Each party applying shall be entitled to have a separate school in each ward or union of wards.

**Proviso.**

That each of the parties applying, according to the provisions of the said nineteenth section of said Act, shall be entitled to have a separate school in each ward, or in two or more wards united, as said party or parties shall judge expedient, in each city or town in Upper Canada: Provided always, that each such school shall be subject to all the obligations and entitled to all the advantages imposed and conferred upon separate schools by the said nineteenth section of the said Act.\*

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\* See Pamphlet Edition of the School Act of 1850, page 21; and also section IV of the Supplementary School Act of 1853 in this pamphlet, page 114.

#### IV. OFFICIAL CIRCULARS FROM THE CHIEF SUPERINTENDENT OF SCHOOLS FOR UPPER CANADA.

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1. *To Local Superintendents of Schools on the apportionment of the Legislative School Grant, for 1853.*

SIR :

I have notified your County Council and Treasurer, through the County Clerk, of the apportionment to the several Municipalities of Upper Canada, of the Legislative School Grant for the current year. Your County Clerk will doubtless forthwith notify you of this apportionment, so far as you are concerned. A copy of the apportionment will also be found in the *Journal of Education* for June, together with a copy of my Circular to County Clerks on the subject.

2. On your being duly notified of this apportionment, your first duty will be to distribute it to the several School Sections under your charge entitled to a share in it, as defined in the provisos of the second clause of the 31st Section of the School Act of 1850. In former years, the basis of distribution was the school population in each section, between the ages of 5 and 16 years. The injustice of this principle of distribution is obvious, from the fact, that it is not based upon either the value of property taxed, or the work performed, in each School Section, but merely upon the number of children of a certain age resident in each section. It has often happened that in a School Section of over 100 children, a school has not been kept open more than six months in a year, while in another section of less than 70 children, the School has been kept open during nine or twelve months; yet the former more populous and less working section received one third more money from the School Fund than the latter less populous, but more working and more deserving School

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**Section.** Besides, the object of the School Fund being to develop and aid, but not supersede, local exertion, this object is greatly contravened, when any basis not founded on exertion is adopted in the distribution of that fund; and therefore this principle of distributing the School Fund among the School Sections of a Township, was abandoned in the School Act of 1850, except in cases sanctioned by the Chief Superintendent of Schools, in order to make the transition to a better mode of distributing the School Fund as easy and fair as possible.

3. Now, there are two legal modes of distributing the School Fund among the School Sections, based upon exertion. The one mode is that which makes the *average* attendance of pupils at School the basis of distribution to each School, as provided for in the 1st clause of the 31st section of the Act of 1850. To the application of this provision of the Act, it has been objected that it is the average attendance of 1851, that determines the distribution of the School Fund for 1852, and so on; whereas each Teacher, (or year,) ought to receive the reward of his own labour. I think this objection is well founded; and therefore the 5th section of the Supplementary School Act, (just passed by the Legislature) requires "the Trustees of each School Section, on or before the 30th day of June and the 31st day of December in each year, to transmit to the Local Superintendent a correct return of the average attendance of pupils in the school or schools under their charge during the six months then immediately preceding; nor shall any School Section be entitled to share in the apportionment from the School Fund for the said six months, the Trustees and Teacher of which shall neglect to transmit a verified statement of such average attendance of pupils in their School or Schools." In order to enable Trustees and Teachers to comply with this provision of the Law, without delay or embarrassment, I have caused to be printed and transmitted to each of them, with their *Journal of Education* for June, a blank form of the return

required, together with the needful directions for filling it up. Upon this return, which you will carefully examine and check, will be based your distribution, according to average attendance for the first half of the current year.\*

4. But the 18th section of the Supplementary School Act provides another mode of distributing the School Fund among the School Sections of a Township. It enacts, "That for and notwithstanding any thing contained in the Upper Canada School Act of 1850, the Chief Superintendent of Schools shall have authority to direct the distribution of the Common School Fund in any Township among the several School Sections or parts of School Sections entitled to share in said Fund, *according to the length of time in each year*, during which the school shall have been kept open by a legally qualified Teacher in each of such sections or parts of sections." In the course of my visits to the several counties of Upper Canada, last winter, I was assured by practical and experienced persons, that in some Townships, thinly settled School Sections could not compete with thickly settled ones in regard to the average attendance of pupils at school, but they could, if each school was aided according to the length of time the school is kept open by a qualified Teacher. To give the weak every facility possible to compete with the strong, this provision has been introduced into the Act; and it appears to me to be equitable, especially since the Supplementary School Act (13th section) *limits all rate-*

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\* The following extract from the *Journal of Education* for August, 1852, page 120, will serve to illustrate the principle upon which this distribution is based. "A Local Superintendent enquires:—One school is kept open six months of a year—three months in winter, and three months in summer—with an average attendance of forty pupils during each three months. Another school is kept open twelve months in a year—six months in winter, and six months in summer—with an average attendance of forty pupils during each six months. Are both schools to receive alike? Or is the latter to receive twice the amount of the former, having performed twice the amount of labor?" "The answer is, the latter school is entitled to twice as large a sum as the former; the principle of the law being to help those that help themselves, and in proportion as they help themselves." See also the annual School Report for 1851, pages 170-174.

*bills throughout Upper Canada, to one shilling and three pence per month, for each pupil attending school, and leaves it with the school electors in each section, to decide whether they will even retain a rate-bill to that amount or not. It is therefore no longer in the power of short-sighted and selfish persons, to exclude any class of children from the schools, by imposing high rate-bills; and as the schools are now by the general law of the land, so nearly made free to all classes of children, it is most desirable to encourage the keeping of each school open, by a legally qualified Teacher, during as large a portion of the year as possible.*

5. But I must request and authorise you to exercise your own discretion, aided by the advice of Councillors or other persons of experience in your neighborhood, as to which of these two modes you will adopt the present year in the distribution of the School Fund, to the schools under your superintendence. I must, however, remark that the two modes of distributing of the School Fund cannot both be adopted in any one Township; the one or the other mode must be adopted for *all* the schools in each Township, and be based upon either the *length of time* or *average attendance* reported in the semi-annual return of the Trustees.

6 As to Union School Sections, I have not been able to learn or devise any one general regulation that could be justly applied to to them all, without entailing upon the Trustees and other parties a great deal of trouble. Therefore, the 14th section of the Supplementary School Act provides "that the Local Superintendents of adjoining Townships shall have authority, and they are hereby required, to determine the sum or sums which shall be payable from the School apportionment and assessment of each Township in support of Schools of Union School Sections, consisting of portions of such Townships; and they shall determine the manner in which such sum or sums shall be paid; and in the event of one person being Local Superintendent of two or more Townships, he shall act in behalf of such Township; and in the event of the Local Super-

intendents of Townships thus concerned not being able to agree as to the sum or sums to be paid to each such Township, the matter shall be referred to the Warden of the County or Union of Counties for final decision."

7. In regard to the apportionment to Separate Schools, the provisions of the 4th section of the Supplementary School Act, in connection with the 19th section of the School Act of 1850, are so explicit, that I need only observe that one-half of what a Separate School may be entitled to for the year, according to average attendance, should be paid at the end of the first half year, and the other half (more or less) should be paid at the end of the second half year—in each case after receiving the semi-annual return required by the *second* proviso in the 4th Section of the Supplementary Act, and on being satisfied of its accuracy. It is to be observed that Separate Schools are subject to the same inspections, visits, and regulations in regard to reports, &c., as are public Common Schools.

8. The Supplementary School Act provides for the expenditure of a sum not exceeding £500 per annum "in special aid of Common Schools in *new and poor Townships*." The Local Superintendent of any such Township is requested to communicate to me before the end of August, at the latest, any cases of peculiar need and desert, and the circumstances connected with it; and when I shall have examined and compared all the cases thus submitted, I will make the best distribution in my power of the £500 in question, and notify the parties concerned accordingly.

9. In my Circular to the Clerks of County Councils, I have suggested that each Local Superintendent be instructed to transmit to the County Auditors, by the 1st of March in each year, a statement of the apportionments made and the checks issued by him, that the Auditors may be able to detect any error (or fraud, if any should be attempted) on the part of Teacher or Treasurer. This you can easily do; and it will tend to secure perfect accuracy in a



vital part of the School system, as yet so defective, and place all parties concerned above suspicion and above the reach of calumny.

10. The provisions of the Supplementary School Act will greatly facilitate the discharge of your duties, will greatly reduce the occasions of difference and disputes in School Sections, and will, I think, greatly promote the interests of schools throughout Upper Canada. We can all unite with renewed confidence and zeal in this great work, assured that our labors will not be in vain.

I have the honor to be, Sir,

Your obedient Servant,

E. RYERSON.

Education Office,

Toronto, 22nd June, 1853.

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2. *To Trustees of Common Schools in the several Townships of Upper Canada.*

GENTLEMEN,

In order to aid you in the discharge of your important duties, I address you a few words respecting the provisions of the Supplementary Common School Act, which has just been passed by the Legislature, and which is published in the *Journal of Education* for June—an Act which, while it leaves unchanged the general provisions of the School Act of 1850, remedies defects which the experience of the last three years has detected.

1. My first remark is, that, as enacted in the 27th Section, the Supplementary Act applies to all School affairs of the current year. All the School proceedings, therefore, which have taken place since the 1st of January, are subject to the provisions of this Act.

2. By the 13th section of this Act, no rate-bill can be imposed exceeding one shilling and three-pence per month for each pupil attending School. All other expenses of each school must be provided for by voluntary subscription or rate on property. Reducing the maximum of all School rate-bills to one shilling and three-pence per month for each pupil, is the next thing to establishing Free Schools throughout Upper Canada; and all the hitherto agitating questions at School

meetings as to the mode of providing for the support of schools, are now narrowed down to the simple question, as to whether a rate bill of one shilling and three-pence (or less, or nothing) per month for each pupil shall be imposed. This provision will largely increase the attendance of pupils at school, as no parent will now keep his children from school for fear of a heavy rate-bill; it will vastly lessen the topics and causes of differences and disputes at School meetings; it will render the duties of Trustees more simple and easy to discharge, and the salaries of School Teachers more uniform and secure. The real design of this noble provision of the law, and the legitimate inference from it, ought never to be forgotten by Trustees. A law providing that a school should be supported wholly or mostly by the property of all, could not have been enacted, except with the design that a Teacher should be employed who is qualified to teach the children of all—that is, the several branches of an English education to all persons of school age residing in the section. If each man contributes according to his property to support a school, each man's child has a right to be taught in such school. Should Trustees employ a Teacher (for the sake of getting a "cheap" one) who is not qualified to teach all children of their section the subjects required to be taught in Common Schools, they would virtually exclude a portion of the children of their section from the benefits of the school; they would abuse the principles and pervert the great objects of the Free School system; they would, I am inclined to think, render themselves liable to a fine for neglect of duty, and to a prosecution for damages on the part of parents of children deprived of the advantages of the school in consequence of the incompetence of the teacher employed. All Trustees should bear in mind, that the principle of Free Schools aims as much to improve the quality of teaching and to elevate the character of the school, as it does to render them accessible, without let or hindrance, to all the children of the land.

8. While the 10th Section of this Act secures to each School Section the benefit of all the taxable property situated within its limits, the 23rd section provides a prompt and easy mode of securing the payment of all school rates on the lands of absentees. These two provisions will be of great advantage to a large proportion of the School Sections throughout Upper Canada.

4. The 6th section of this Act invests the Trustees of each School

Section with the same authority to assess and collect rates for the purpose of purchasing school sites and the erection of school-houses, as they are invested with by law to assess and collect for other school purposes; so that the Trustees need not, unless they choose to do so, apply to a Municipal Council for any purpose whatever, except in reference to the boundaries of their School Section; nor has any Municipal Council a right to interfere in the affairs of a School Section (except in altering its boundaries), unless at the request of such section, made through its Trustees.

5. There are but two particulars in which the powers of Trustees are limited. 1. They cannot change the present school site, or select a new one, without calling a public meeting of their Section to consider it. See 6th section of the Supplemental School Act. 2. They must also consult the annual or a special meeting of their section, as to whether a rate-bill (of one shilling and three-pence, or less, per month for each pupil) should be imposed or not. The selection of a new school site does not often occur; the decision as to the rate-bill is annual, and should be made at the annual School Section meeting. With this single exception—and it is reduced to the simple question of a small monthly rate-bill—the management of all the affairs of each School Section belongs wholly to the Trustees as the elective representatives of such Section. They, and they only, are authorised by law, to determine the sum or sums that shall be raised, and when and how paid, for all School purposes, whether for the procuring of a school site, the erection, repairs, or furnishing of a school-house, the payment of a teacher, the purchase of apparatus, text-books, maps, library-books, or for any other school purpose whatever.

6. With these almost unlimited powers, Trustees will be the responsible and blamable parties in every case in which there is not a good and well-furnished schoolhouse, and a school kept open by a qualified teacher. The 16th clause of the 12th section of the School Act of 1850 makes each Trustee personally liable, if he neglects to exercise the powers invested in him by law, for the fulfilment of any contract or agreement made by his corporation; and the 9th section of the Supplementary School Act makes Trustees personally responsible to their Section, for the amount of any moneys which shall be forfeited or lost to their school through their neglect of duty. If, therefore, a school is not

kept open in each section six months of each year by a legally qualified Teacher, the Trustees of such section will be personally liable, on the complaint of any one of their constituents, for the payment of the amount of the School Fund forfeited through their neglect of duty.

7. I desire also to direct your particular attention to the semi-annual returns of the average attendance of pupils required by the 5th section of the Supplementary School Act. With the number of the *Journal of Education* containing this Circular, you will receive a blank return for the first half of the current year, which you will forthwith fill up and forward to your Local Superintendent. The object of this provision of the Act is, to make the doings of each School Section during each half year the basis of its participation in the School Fund for such half year. On this subject, I refer you to what I have stated at length in my Circular to Local Superintendents.

8. In the first thirteen sections of the Supplementary School Act, there are other provisions relative to Trustees, on which I need not remark, but all which are designed to increase the efficiency of the office of Trustee. The 15th section of the Supplementary School Act, confers upon School Arbitrators full powers to give effect to their decisions, and prohibits from being brought before a Court of Law, any question of dispute between Trustees and Teachers, which may be referred to arbitration. The office of School Trustee, being now one of great power as well as of responsibility, I trust that you will earnestly labour to fulfil its high objects, and thus become instruments of unspeakable good to the rising and future generations of our country.

I have the honour to be, Gentlemen,  
Your obedient Servant,

F. RYERSON.

EDUCATION OFFICE,  
Toronto, 24th June, 1853.

### 3. *To Boards of School Trustees in Cities, Towns and Incorporated Villages in Upper Canada.*

GENTLEMEN,—It may be proper for me to direct your attention to two or three provisions of the Supplementary School Act.

1. By the first section of this Act, each Board of School Trustees is invested with authority (if it shall judge it expedient) to levy and collect rates for any School purpose whatever. This provision does not lessen the obligation of the Municipal Council of any City, Town, or Village to provide, from time to time, such sum or sums, in such manner and at such times, as the Board of School Trustees shall require; and the Court of Queen's Bench have decided that such is the duty of each Municipal Council referred to. I hope it is not likely that any such Municipal Council will hereafter refuse or hesitate to perform this duty. But there have been refusals, especially on the part of several Village Councils, and the Board of School Trustees in such cases have been subjected to expense, embarrassment, and delay. This Section of the Supplementary Act is designed to enable Trustees to proceed immediately in all such cases, if they shall think it advisable, to levy and collect such rates as they may require, instead of proceeding against the Municipal Council before the Court of Queen's Bench; and the responsibility and odium of any additional expenses which a Board of School Trustees may thus incur, will fall upon the Council refusing or neglecting to perform its duty.

2. The 13th Section of the Supplementary Act restricts, from the beginning of the current year, all rate-bills to a sum not exceeding one shilling and three pence per month for each pupil attending school. All the expenses of the schools under your charge, over and above this rate-bill, must be provided for by a rate on property.

3. As all the schools in each city, town, or incorporated village, are under the management of one Board, it is not required to distribute the the School Fund to each of such Schools as is required among the several School Sections of a Township. The Board of School Trustees will exercise their own discretion in regard to the sum or sums they may expend in support of each School under their charge.

4. By the provisions of the 4th section of the Supplementary Act, it will be seen that Separate Schools are not to share in the *Municipal*

*Assessment* part of the School Fund. As the average attendance of pupils for the whole year is the basis of distribution under this section of the Act, the one-half of the sum payable to a Separate School for the year, should be paid at the end of the first half year, and the other half (more or less) at the end of the second half year. The Trustees of each Separate School must make to your Local Superintendent the semi-annual returns required by this section of the Act; and he should visit each Separate School to see that the register is properly kept, and that the attendance corresponds with the returns, in the same manner as he is to visit the other schools under his charge for the same purposes. Where exemption is sought from the payment of the ordinary school rates, care should be taken that no parties be exempted except those who fulfil the conditions in which such exemption is permitted.

5. The provisions of the 4th section of the Supplementary Act, while leaving the applicants for Separate Schools not the slightest pretext of complaint or agitation against the school system, will not, in the least, embarrass you in your proceedings, or retard the noble and successful endeavors which are making to provide suitable school accommodation and good schools for all the children in our cities, towns, and villages in Upper Canada.

I have the honor to be, gentlemen,

Your obedient servant,

E. RYERSON.

EDUCATION OFFICE,

Toronto, June 28th, 1853.

*4. Extract of Circular to Clerks of Counties or Unions of Counties in Upper Canada on various matters.*

4. I must again solicit the special attention of your County Council to the 1st, 4th, and 5th clauses of the 27th section of the School Act, requiring each County Council to provide for the punctual payment, the security, and the proper accounts of the expenditure of all School moneys within its jurisdiction. In my

Circular to County Clerks ast year, (printed in my Annual School Report for 1851, pp. 158-162), I showed how impossible it is for me to know whether the conditions and requirements of the law have been fulfilled in any County or Township, without full and accurate accounts of the expenditure of School moneys. I afterwards transmitted to each County Clerk a printed blank account of School moneys, with full and minute directions for filling it up. Yet this year's County returns of the expenditure of School moneys are almost as defective as were those of last year. In about three-fourths of these returns, the expenditure of considerable sums is imperfectly or not at all accounted for ; defects in financial accounts which, were they to occur in the returns of any of the Executive Departments of the Government, would be the subject of reprobation in the Legislature and by the press generally. The frequent and accurate accounting for the expenditures of all public moneys, is one of the essential means of securing their faithful application, and one of the essential conditions of good government ; but if it should continue to appear that in those bodies which are directly elected by the people, and in regard to moneys specially devoted to the intellectual improvement of the country, there is the least strictness and accuracy in accounting for the expenditure of School moneys, the fact will go far to prove the inefficiency of elective bodies, or that our country is not prepared for the operation of the elective system, in such affairs. I trust that every friend to that system in your Council, and every friend to the progress of education, will see that punctual, accurate, and full returns be made of all School moneys expended within its jurisdiction, and that the portion of the School Fund to be provided by your Council will be punctually payable at the times prescribed by law.

5. I have reason to believe that in many, if not in most, instances, there has been no want of attention in preparing the returns of School moneys required by law ; but I am assured that the irregularity chiefly arises from the want of punctuality or faithfulness on



the part of sub-Treasurers, who, in many cases, I am told, are regarded as Township Officers, and who give no security to the County Council for School moneys placed in their hands. On this point I beg to remark, that if any Township Treasurer acts as sub-Treasurer of School moneys, he does so, not as a Township Officer, but as a County Officer, and by virtue of appointment of the County Council, as provided for by the 4th clause of the 27th section of the School Act of 1850, and to which Council he is to give security for the safe-keeping and punctual payment of School moneys entrusted to him, and in the case of the loss of any part of such moneys, on account of proper security not having been taken by the County Council, the 43d section of the Act makes the members of the County Council personally responsible for such moneys.

6. On this important subject I would offer the following suggestions for the consideration of your County Council. *Firstly*: Whether it be necessary at all to appoint any sub-treasurers of school moneys in your county. Most of the Counties are much smaller than in former years—facilities for travelling and business are greater—a Local Superintendent's check to a school teacher is as good as a bank note, and can easily be cashed by shopkeepers or other men of business in any part of a county. *Secondly*,—That if it be still deemed necessary to appoint sub-treasurers of school moneys, they be each required to lodge their bonds for the security of such moneys with the County Clerk. *Thirdly*,—That each sub-treasurer be directed to keep accounts of the Legislative Grant and Municipal Assessment parts of the School Fund *separate*, and carry forward the balances of former years. *Fourthly*—That no sub-treasurer be paid the Legislative Grant for the current year, until he shall have satisfactorily accounted for the school moneys in his hands for the preceding year; that in each such case, the County Treasurer pay out all school moneys belonging to the Townships concerned. *Fifthly*—That in order to secure uniformity in the accounting for school moneys, the treasurer or sub-treasurers be re-



quired to make up their accounts to the 1st of March in each year, accompanied with vouchers to the County Auditors; and I will extend the time for the Auditors to examine them, and the County Clerk to transmit to this Department the abstract of them, together with the Auditors' general Report, as required by law, until the 1st of April, leaving myself but one month instead of two to examine the returns before making the annual apportionment of the Legislative School grant. *Sixtily*—That each Local Superintendent be instructed to transmit to the County Auditors a statement of the apportionment made, and the checks issued by him, that the Auditors may thus be able to detect any error, (or fraud, if any should be attempted,) on the part of teachers or treasurers. Thus will all parties concerned, stand above suspicion, and the accurate accounting for school moneys will be satisfactory and complete. I may add, that I practise the same careful and accurate system of accounting for all public moneys that pass through my hands, which I wish to see observed in each Municipality in Upper Canada.

7. In conclusion, I have great pleasure in referring to the Supplementary School Bill, which has just been passed by the Legislature, and the provisions of which remedy nearly all the defects which the experience of three years, and a tour of consultation to the several counties of Upper Canada, have pointed out in the School Act of 1850, without changing any of the organic principles or general provisions of that Act. I have no doubt that the provisions of the Supplementary School Act will greatly contribute to the removal of doubts and embarrassments, the lessening of disputes, the increase of facilities, in the administration of the School Law, and the rapid diffusion of education and general knowledge throughout Upper Canada. The increase this year in the Legislative Grant for the support of Common Schools will require a corresponding increase in the amount of Municipal School Assessments; and as the 13th Section of the Supplementary School Act does not permit in any

School Division in Upper Canada, any rate-bill imposed to exceed one shilling and threepence per month for each pupil ; and as an Act has been passed, enabling each County Council to equalize all assessments on property, it may deserve the consideration of your County Council, how far it may be advisable to increase the Municipal assessment for the support of Schools—thus relieving the Trustees, to a great degree, from an onerous part of their duty, and rendering the Schools virtually free to every child in the land.

I have the honor to be, Sir,

Your obedient Servant,

E. RYERSON.

EDUCATION OFFICE,

Toronto, 18th June, 1853.

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